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THE  
HISTORY  
OF THE  
REVOLUTION  
IN  
SOUTH-CAROLINA.  
VOL. I.



T H E  
H I S T O R Y  
O F T H E  
R E V O L U T I O N  
O F

S O U T H - C A R O L I N A ,

F R O M A B R I T I S H P R O V I N C E

T O A N I N D E P E N D E N T S T A T E .

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B Y D A V I D R A M S A Y , M . D .

M E M B E R O F T H E A M E R I C A N C O N G R E S S .

I N T W O V O L U M E S .

V O L . I .

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T R E N T O N :  
P R I N T E D B Y I S A A C C O L L I N S .  
M . D C C . L X X X V .



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## P R E F A C E.

**T**O record past events, for the instruction of man, ought to be the object of history. At this the writer of the following sheets has steadily aimed; with what success the impartial publick will determine. He saw with regret the transactions of each succeeding year occupying the publick mind, while those of the preceding were fast hastening to oblivion. He conceived that the revolution of the governments of America, from British provinces into independent states, exhibited many useful lessons, both to princes and people. This view of the

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great event incited him to compile a succinct account of the beginning, progress and conclusion, of the war, which terminated in the change of the government of that part of the United States with which he was best acquainted. He would have been pleased could he have extended his plan; and his work, perhaps, would have been more acceptable: but his knowledge of the affairs of the middle and northern states was not sufficiently particular to warrant his attempting the history of the whole. He has therefore confined himself to the revolution of his own state, and has introduced the transactions of the neighbouring states only where their connection with, and influence upon, the affairs of South-Carolina rendered it necessary. By limiting his subject he has been enabled to be more particular, and he presumes more accurate.

rate. His opportunities of information have been considerable, from his being actually a witness to many of the events recorded in the following history. From the year of the declaration of independence, to the termination of the war, he had the honour of representing Charleston in the legislature of the state. For two years he had the additional honour of being one of the privy-council, and for one year of representing the state in the continental Congress. Besides serving in these civil offices he was frequently in the field with the army, in the line of his profession, attending on the sick and wounded. Where his own knowledge was insufficient he has sought for information from those who were the immediate actors. He has freely conversed with the partisans for both the old and new government. He has examined almost all the fields of battle,

tle, and has had access to the official returns, orderly-books, and despatches, sent or received by the American generals. The motives and designs of particular movements he has learned from the fountain-head, by conversing with those who had the direction of publick affairs, both in the civil and military line. During his attendance on Congress he carefully perused every official despatch sent to that honourable body, which related to the transactions upon which he had undertaken to write. From these original sources he has compiled the following work. He declares that, embracing every opportunity of obtaining genuine information, he has sought for truth, and that he has asserted nothing but what he believes to be fact. If he should be mistaken he will, on conviction of his error, willingly retract it. During  
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the whole time of his writing he has carefully watched the workings of his mind, lest passion, prejudice or a party-spirit, should warp his judgment. He has endeavoured to impress on himself how much more honourable it was to write impartially, for the good of mankind, than to condescend to be the apologist of a party. He has often reflected that an historian should neither be a panegyrist nor satirist, but an impartial recorder of past events, for the information of after ages. Notwithstanding this care to guard against partiality, he expects to be charged with it by both of the late contending parties. The suffering Americans, who have seen and felt the ravages and oppressions of the British army, will accuse him of too great moderation, and of being too sparing of censure. Europeans who have heard much of American

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can cowardice, perfidy and ingratitude, and more of British honour, clemency and moderation, will probably condemn his work as the offspring of party-zeal. The impossibility of pleasing both, has induced him to decline the fruitless attempt of aiming to please either; and instead thereof to follow the attractions of truth, whithersoever she might lead.

THE author has been less particular in reciting the movements and arrangements of the British than of the American army, because he had fewer opportunities of obtaining information of the former than of the latter. He farther informs the reader, that the epithets Whig and Tory are used in the following sheets in a sense different from what has been usual. By the latter he means those of the inhabitants of America who were the

the friends of royal government ;  
by the former, and also by the more  
general appellation American, he in-  
tends those who favoured the re-  
volution.

Charleston, Oct. 12, 1784.

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C H A P T E R F I R S T.

*A short view of the province of South-Carolina, and of events introductory to open hostilities.*

**T**HE first charter of Carolina was granted about the year 1662, and contained a grant of all the lands lying between 31 and 36 degrees of north latitude. About the year 1664 a second and more ample charter was obtained, comprehending a tract of country seven and a half degrees broad, bounded by the Atlantic on the east, the Pacific on the west, and on the north and south by two parallel lines, to begin on the shores of the Atlantic, the one at 29  
B degrees

degrees north latitude, the other at 36—30; and from these points to be continued due west till they reached the Pacific ocean. This extensive grant of territory suffered alterations from various causes. By subsequent charters of the King of England the original extent of Carolina on the sea coast has been divided into North-Carolina South-Carolina and Georgia. South-Carolina, is the most southern of the thirteen United States of North-America, Georgia excepted, and extends along the sea from the mouth of Savannah river a few miles to the northward of the northeast extremity of Long-Bay, a distance of about two hundred miles, and is settled between two and three hundred miles to the westward. It is bounded to the northward by a line which separates it from North-Carolina—to the eastward by the Atlantic ocean. Its boundaries to the southward and westward are the subject of controversy. For eighty or a hundred miles from the sea coast it is an even plain. No rocks nor stones nor hills of any height are to be seen. From this to the westward the country is beautifully diversified with hills and vallies, and exhibits many delightful prospects. A vast ridge of mountains runs through South-Carolina in common with the other parts of North-America, from the western sides of which the waters flow into the Mississippi, from the eastern into the Atlantic. South-Carolina is watered by the rivers Savannah, Edisto, Santee and Peedee, which take their rise in these heights. There are several other  
rivers



rivers of a secondary size, which are either arms of the sea, or originate, some from hills in the heart of the country, and others from savannahs or swamps. Of these kinds are Caafaw, Combahee, Waccamaw, Ashley, Cooper and Black rivers. From the circuitous windings of fundry arms of the ocean the coast is chequered by sea islands.

THE low lands produce rice in great abundance. The high lands provision, grain of all sorts, indigo and tobacco. Orchards and meadows are advantageously cultivated at some distance from the sea coast. The interior part of the state is settled in small farms, which yield the necessaries of life in the greatest plenty. The canes, without fodder or grain, afford, throughout the short winter, ample support for numerous herds of cattle. The soil produces every commodity that grows in any of the United States, besides rice, indigo and madder, which are peculiar to itself and the adjacent states. Such is the mildness of the winter, that for eight months of the year the climate is delightful. The western country is at all seasons free from the extremes of heat and cold, and is favourable to health and longevity.

THE first settlement of the province was made in the year 1669, on the neck of land between Ashley and Cooper rivers, by a few adventurers who embarked from England in two vessels. The subsequent

quent settlers were a medley of different nations, and composed of the most contradictory characters. From England, the colony received both the friends of the parliament and the adherents to the royal family. The servants of the crown, from motives of policy, encouraged the emigration of the former, and grants of land were freely bestowed on the latter, as a reward of their loyalty. A considerable number of French protestants, after the revocation of the edict of Nantz, found an asylum in South-Carolina, and became very useful inhabitants. Many of the Dutch colonists, dissatisfied with their situation in New-York, after the submission of that colony to the crown of England, repaired thither, and contributed much by their industry to the cultivation of the province. The success that attended them induced more of their countrymen to follow their example. An Irish settlement was planted near Santee between the year 1730 and 1740, to which was given the name of Williamsburg township. In the same period several families of Switzers settled on the northeast side of Savannah river, under the auspices of their countryman John-Peter Pury. From this gentleman the village of Purysburgh took its name. From 1748 to 1755 great numbers of Palatines were introduced—they settled Orangeburgh, Congaree and Wateree. After the battle of Culloden a number of the vanquished Highlanders were transported to South-Carolina. But the most considerable æra of population was after the peace of Paris in 1763. Soon after that



that event, the assembly of the colony appropriated a large fund for bounties to foreign protestants who should settle in the interior parts. In consequence of this encouragement many arrived from Europe, particularly from Ireland. Great numbers also migrated from Virginia, Pennsylvania, and the other northern provinces. From these various sources of population settlements were made, in ten years after the peace of Paris, one hundred and fifty miles to the westward, beyond all that had taken place in the preceding hundred years.

THE government of the country, for the first fifty years, was proprietary. About the year 1719 the inhabitants, finding that they were not sufficiently protected by that constitution, effected a change of government from proprietary to regal, in a manner somewhat similar to that which their posterity, fifty years afterwards, adopted in accomplishing a revolution from royal to republican. The business was conducted with great address by a convention of the people, who acted under the sanction of the first law of nature—self-preservation. They refused to do any business with Robert Johnson the proprietary governor, but at the same time offered to obey him if he would hold the reins of government in the name of the King of Great-Britain. This being refused, they chose James Moore for their governor. The people, with great unanimity, bound themselves by an association to stand by each other in defence

fence of their rights and privileges against the tyranny of the proprietors and their officers : this they honourably observed until the revolution was completed. A state of the whole proceedings of the people, and of the causes of their dissatisfaction with the lords proprietors, being laid before the regency in England, it was determined that the proprietary charter was forfeited. In consequence of which the province was taken under the immediate protection of the crown.

FROM this period the government was regal. The crown appointed a governor, and delegated to him its constitutional powers civil and military. He had a negative on all the bills passed by the assemblies ; and the power of convening, proroguing and dissolving them. He had powers of chancery, admiralty, of supreme ordinary, and of appointing civil magistrates and militia officers. To him also was entrusted the execution of the laws. The crown appointed a council, with powers to advise the governor, and to assist in legislation. The house of assembly consisted of the representatives of the people, who were elected by them as the house of commons in Great-Britain. The model of the government, as near as circumstances would admit, was formed on the plan of the English constitution. The inhabitants enjoyed the protection of Great-Britain ; and, in return, the mother-country had a monopoly of their trade. Great-Britain received great benefit by this intercourse, and the colony, under  
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her protecting care, became great and happy. In South-Carolina an enemy to the Hanoverian succession, or to the British constitution, was scarcely known. The inhabitants were fond of British manners even to excess. They for the most part sent their children to Great-Britain for education, and spoke of that country under the endearing appellation of Home. They were enthusiasts for that sacred plan of civil and religious happiness under which they had grown up and flourished. All ranks and orders of men gloried in their connection with the mother-country, and in being subjects of the same King. The laws of the British parliament, confining their trade for the benefit of the protecting parent state, were very generally and cheerfully obeyed. Few countries have at any time exhibited so striking an instance of publick and private prosperity as appeared in South-Carolina between the years 1763 and 1775. The inhabitants of the province were in that short space of time more than doubled. Wealth poured in upon them from a thousand channels. The fertility of the soil generously repaid the labour of the husbandman, making the poor to sing, and industry to smile through every corner of the land. None were indigent, but the idle and unfortunate. Personal independence was fully within the reach of every man who was healthy and industrious. The inhabitants, at peace with all the world, enjoyed domestick tranquility, and were secure in their persons and property. They were also completely satisfied with

with their government, and wished not for the smallest change in their political constitution.

IN the midst of these enjoyments, and the most sincere attachment to the mother-country, to their King and his government, the people of South-Carolina, without any original design on their part, were step by step drawn into an extensive war, which involved them in every species of difficulty, and finally dissevered them from the parent-state.

SOME alterations in the commercial system of the colonies for preventing a contraband trade with the French and Spaniards, and for enlarging the powers of the courts of admiralty, had created great uneasiness in some parts of the continent; but the South-Carolinians, whose commerce was carried on agreeably to the British laws of trade and navigation, were very little affected by these innovations. Yet the parliamentary claims of taxation and unlimited supremacy interested every American, and created suspicions in the minds of the jealous colonists, that the mother-country harboured designs unfriendly to their liberties.

FROM the earliest period of the British colonies, till the accession of George the Third, Great-Britain, in time of war, had been in the habit of making requisitions for supplies to the provincial assemblies; these were so liberally granted by  
many

many of them, and particularly by that of South-Carolina, that the parliament of Great-Britain had sometimes reimbursed them for their extraordinary exertions. Till the year 1763 the mother-country contented herself with the great advantages resulting from a monopoly of their trade, and with the supplies obtained from them in the way of requisition. About that period the scheme of an American revenue, to be laid by the British parliament, and collected in the colonies without the consent of their local Legislatures, was introduced. The British ministry were prompted to this innovation by the immense load of national debt incurred during the war, which in that year had terminated. They conceived that every part of their dominions should pay a proportion of the publick debt; and that the parliament of Great-Britain, as the supreme power, was constitutionally invested with a right to lay taxes on every part of the empire. This doctrine, so plausible in itself, and so conformable to the letter of the British constitution, when the whole dominions were represented in one assembly, was reprobated in the colonies as subversive of their rights, and contrary to the spirit of the same government, when the empire became so far extended as to have many distinct representative assemblies. The colonists conceived that the chief excellence of the British constitution consisted in the right of the people to grant or withhold taxes, and in their having a share in the enacting of the laws by which they were to be governed. In Great-Bri-



tain a tax was defined to be a tribute exacted by the supreme power of a nation. In America it was said to be a free gift of the people to their rulers for protection and security. In the mother-country it was asserted to be essential to the unity of the empire, that the British parliament should have a right of taxation over every part of their extended dominions. In the colonies it was believed that taxation and representation were inseparable, and that they could neither be free nor happy if their property could be taken from them without their consent. The British ministry reasoned, that all who enjoyed national protection should pay to the support of government. The colonial assemblies allowed the position, but contended they were to be judges of the abilities of their constituents, and had the exclusive right of imposing taxes on them. They alleged farther, that they had granted, and would continue to grant, aids to his Majesty when called on in a constitutional way. The patriots in the American assemblies insisted that it was essential to liberty and happiness that the people should be taxed by those only who were chosen by themselves, and had a common interest with them.—That they, being the consumers, ultimately paid British taxes by purchasing British manufactures.—That if Great-Britain had a right to confine their trade, and also a farther right of laying on what taxes she pleased, they were in a most deplorable condition of abject dependence. Mr. Locke's celebrated position, ' that no man has a right to that which  
' another

‘ another has a right to take from him,’ was often quoted as a proof that British taxation virtually annihilated American property.

EVERY thing in the colonies contributed to nourish a spirit of liberty and independence. They were planted under the auspices of the English constitution in its purity and vigour. Many of their inhabitants had imbibed a large portion of that spirit which brought one tyrant to the block, and expelled another from his dominions. They were communities of separate independent individuals, for the most part employed in cultivating a fruitful soil, and under no general influence, but of their own feelings and opinions; they were not led by powerful families, or by great officers in church or state. Luxury had made but very little progress among their contented unambitious farmers. The large extent of territory gave each man an opportunity of fishing, fowling and hunting, without injury to his neighbour. Every inhabitant was or easily might be a freeholder. Settled on lands of his own, he was both farmer and landlord. Having no superior to whom he was obliged to look up, and producing all the necessaries of life from his own grounds, he soon became independent. His mind was equally free from all the restraints of superstition. No ecclesiastical establishments invaded the rights of conscience, or fettered the free-born mind. At liberty to act and think, as his inclination prompted, he disdained the ideas of dependence and subjection.

COLONIES planted by a free government, and growing up to maturity under circumstances so favourable to liberty and independence, could not consent to an abridgment of their privileges. They conceived that the rights of British subjects should be the same on the west as on the east side of the Atlantic, and that therefore no tax should be demanded of them but what had been freely granted by themselves or their representatives.

THE first statute that roused the colonists to oppose British taxation was the memorable stamp-act, passed in the year 1765. By this it was enacted, that the instruments of writing, which are in daily use amongst a commercial people, should be null and void in law, unless they were executed on stamped paper or parchment, charged with a duty imposed by the British parliament. This was an ill-chosen precedent for establishing a new claim; for, if carried into effect, it would soon have drained the colonies of all their circulating specie. A less extensive tax might have passed unobserved by the unsuspecting colonists; but the stamp-act was so intimately connected with all publick and private business, that an united vigorous opposition to its taking effect was judged indispensably necessary. To concert an uniform line of conduct to be adopted by the different colonies on this trying occasion, a Congress of deputies from each province was recommended. When this measure was proposed in the assembly of South-Carolina, it was ridiculed by an humorous member in words to the following

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ing effect: ‘ If you agree to the proposition of  
 ‘ composing a Congress of deputies from the dif-  
 ‘ ferent British colonies, what sort of a dish will  
 ‘ you make. New-England will throw in fish and  
 ‘ onions. The middle states flax-seed and flour.  
 ‘ Maryland and Virginia will add tobacco. North-  
 ‘ Carolina, pitch, tar and turpentine. South-Ca-  
 ‘ rolina, rice and indigo, and Georgia will sprinkle  
 ‘ the whole composition with saw-dust. Such an  
 ‘ absurd jumble will you make if you attempt to  
 ‘ form an union among such discordant materials  
 ‘ as the thirteen British provinces.’ A shrewd  
 country member replied, ‘ he would not choose  
 ‘ the gentleman who made the objection for his  
 ‘ cook, but nevertheless he would venture to as-  
 ‘ sert, that if the colonies proceeded judiciously in  
 ‘ the appointment of deputies to a continental  
 ‘ Congress, they would prepare a dish fit to be  
 ‘ presented to any crowned head in Europe.’  
 Though many members of the assembly thought  
 the scheme chimerical, a small majority adopted  
 the measure, and appointed delegates. This first  
 step towards continental union was adopted in  
 South-Carolina before it had been agreed to by  
 any colony to the southward of New-England.  
 The example of this province had a considerable  
 influence in recommending the measure to others  
 who were more tardy in their concurrence. The  
 colonies, on this occasion, not only presented pe-  
 titions, but entered into associations against im-  
 porting British manufactures till the stamp-act  
 should be repealed. On the 18th of March 1766  
 that favourite point was obtained. This concession  
 had

had the effect of inspiring the Americans with high ideas of the necessity of their trade to Great-Britain. Nothing could have been more impolitic than this repeal, provided the ministry of England seriously intended to resume the scheme of an American revenue; and nothing more wise had that idea been for-ever dropped. The experiment of taxation was renewed in the year 1767, but in a more artful manner. Small duties were imposed on glass, paper, tea and painters colours. The colonies again petitioned and associated to import no more British manufactures. In consequence of which all the duties were taken off excepting three-pence a pound on tea. This second repeal increased the confidence of the colonists, and encouraged them to continue their opposition to parliamentary taxation.

THE disputes occasioned by these abortive attempts to raise a revenue, caused a fermentation in the minds of the people, and gave birth to many enquiries respecting their natural rights and their connexion with Great-Britain. The former produced a high sense of liberty: the latter a general conviction that there could be no security for American property if the colonies were to be taxed at the discretion of a parliament in which they were unrepresented, and over which they had no control. A determination to oppose this new claim of taxation, however disguised, very generally took possession of the minds of the colonists.

SEVERAL incidents about this time concurred to excite the suspicions and jealousies of the Americans. The repeal of the stamp-act was accompanied by the act commonly called the declaratory act, in which it was enacted, ‘ That the parliament of Great-Britain had a right to bind the colonies in all cases whatsoever.’ This claim of unlimited supremacy, and the reservation of the duty on tea, were considered, on the west side of the Atlantic, as evidences that an American revenue was intended. Unwilling to contend with the mother-country about paper claims, and at the same time determined to pay no taxes but such as were imposed by their own legislatures, the colonies associated to import no more tea, but relaxed in all their other resolutions, and renewed their commercial intercourse with Great-Britain.

THE tax on tea was in a great measure rendered a barren branch of revenue by the American resolution of importing none, on which the parliamentary duty was charged. In the year 1773 a scheme was adopted by the East-India company to export large quantities of that commodity, to be sold on their account, in the several capitals of the British colonies. This measure tended so directly to contravene the American resolutions, that it excited great commotions from New-Hampshire to Georgia. The colonists reasoned with themselves that, as the duty and the price of the commodity were inseparably blended, if the tea was sold, every purchaser would

would pay a tax imposed by the British parliament as part of the purchase-money. Jealous of the designs of the mother-country, and determined never to submit to British taxation, they every where entered into combinations to obstruct the sales of the tea sent out by the East-India company. The cargo sent to South-Carolina was stored, the consignees being restrained from exposing it to sale. In other provinces, the landing of it being forbidden, the captains were obliged to return without discharging their cargoes. In Boston a few men in disguise threw into the river 340 chests of it, which was the proportion exported to that province by the East-India company. This trespass on private property provoked the British parliament to take legislative vengeance on that devoted town. <sup>a</sup> An act therefore was immediately passed, by which the port thereof was virtually blocked up, by being legally precluded from shipping or landing any goods, wares or merchandize. Other acts, directed by the same policy, speedily followed. <sup>b</sup> One of these was intitled an act for the better regulating the government of Massachusetts. The object of this was essentially to alter the charter of the province. By it the whole executive government was taken out of the hands of the people, and the nomination of all officers vested in the King or his Governor. <sup>c</sup> Soon after followed an act in which it was provided, that if any person were indicted for murder,

<sup>a</sup> See note I.    <sup>b</sup> See note II.    <sup>c</sup> See note III.

murder, or for any other capital offence, committed in aiding magistracy, that the governor might send the person so indicted to another colony, or to Great-Britain, to be tried. These proceedings, no less contrary to the British constitution than to the chartered rights of the colonies, were an alarming comment on the assumed parliamentary claim of unlimited supremacy. They were considered, from one end of the continent to the other, as the beginning of a new system of colonial government, by which the provinces were to be reduced to a much greater degree of dependence on the mother-country than they had ever experienced. A general confederacy, to aid the province of Massachusetts in opposing the execution of these unconstitutional acts, very soon took place.

THE proceedings of parliament were no sooner known in Boston than the inhabitants were thrown into the greatest consternation. Sundry town-meetings were called to deliberate on the alarming state of publick affairs. At one of them, viz. on May 13th, 1774, the following vote was passed :

‘ THAT it is the opinion of this town, that if  
 ‘ the other colonies come into a joint resolution  
 ‘ to stop all importation from Great-Britain, and  
 ‘ exportation to Great-Britain and the West-Indies,  
 ‘ till the act for blocking up this harbour be  
 ‘ repealed, the same will prove the salvation of  
 ‘ North-America and her liberties. On the other  
 ‘ hand, if they continue their exports and im-  
 D ports,



‘ ports, there is high reason to fear that fraud,  
 ‘ power, and the most odious oppression, will rise  
 ‘ triumphant over justice, right, social happiness  
 ‘ and freedom. And moreover, that this vote be  
 ‘ transmitted by the moderator to all our sister  
 ‘ colonies, in the name and behalf of this town.’

A COPY of their vote was immediately forwarded to the other provinces. Upon its arrival in South-Carolina, it was presented to a number of the principal gentlemen in Charleston. They were of opinion that the principles of policy and self-preservation made it necessary to support the people of Boston ; but the mode pointed out was a matter of too much consequence to be adopted without the universal consent of the people. It was therefore determined to request a meeting of the inhabitants. That this might be as general as possible, circular letters were sent by express to every parish and district within the province. In consequence of this invitation, on July 6, 1774, a very great number from almost every part of South-Carolina met at Charleston. The proceedings of the parliament against the town of Boston and province of Massachusetts were distinctly related to this convention of the people. On which, without one dissenting voice, they came into the following resolutions :

‘ RESOLVED, that his Majesty’s subjects in North-  
 ‘ America owe the same allegiance to the crown  
 ‘ of Great-Britain that is due from his subjects  
 ‘ born in Great-Britain.                      ‘ RESOLVED,

‘ RESOLVED, that his Majesty’s subjects in North-  
 ‘ America are entitled to all the inherent rights  
 ‘ and liberties of his natural born subjects within  
 ‘ the kingdom of Great-Britain.

‘ RESOLVED, that it is repugnant to the rights of  
 ‘ the people, that any taxes should be imposed on  
 ‘ them, unless with their own consent given per-  
 ‘ sonally or by their representatives.

‘ RESOLVED, that it is a fundamental right,  
 ‘ which his Majesty’s liege subjects are entitled  
 ‘ unto, that no man should suffer in his person or  
 ‘ property without a fair trial, and judgment  
 ‘ given by his peers or by the law of the land.

‘ RESOLVED, that all trials of treason, or for any  
 ‘ felony or crime whatever, committed and done  
 ‘ in this his Majesty’s colony by any person or  
 ‘ persons residing therein, ought of right to be  
 ‘ had and conducted in and before his Majesty’s  
 ‘ courts held within the said colony according  
 ‘ to the fixed and known course of proceedings ;  
 ‘ and that the seizing any person or persons re-  
 ‘ siding in this colony, suspected of any crime  
 ‘ whatever committed therein, and sending such  
 ‘ person or persons to places beyond the sea to be  
 ‘ tried, is oppressive and illegal, and highly dero-  
 ‘ gatory to the rights of British subjects, as thereby  
 ‘ the inestimable privilege of being tried by a jury  
 ‘ from the vicinage, as well as the benefit of sum-  
 ‘ moning and procuring witnesses on such trial,  
 ‘ will be taken away from the party accused.

‘ RESOLVED,



‘ RESOLVED, that the statute made in the 35<sup>th</sup> year of Henry VIII, chap. 2. intituled, An act for the trial of treasons committed out of the King’s dominions, does not extend, and cannot but by an arbitrary and cruel construction be construed to extend, to treason, misprision of treason, or concealment of treason, committed in any of his Majesty’s American colonies, where there is sufficient provision, by the law of the land, for the impartial trial of all such as are charged with, and for the due punishment of, these offences.

‘ RESOLVED, that the late act for shutting up the port of Boston, and the two bills relative to Boston, which, by the last accounts from Great-Britain, had been brought into parliament, were there read and committed, are of the most alarming nature to all his Majesty’s subjects in America—are calculated to deprive many thousand Americans of their rights, properties and privileges, in a most cruel, oppressive and unconstitutional manner—are most dangerous precedents ; and, though levelled immediately at the people of Boston, very manifestly and glaringly shew, if the inhabitants of that town are intimidated into a mean submission to said acts, that the like are designed for all the colonies, when not even the shadow of liberty to his person, or of security to his property, will be left to any of his Majesty’s subjects residing on the American continent.

‘ RESOLVED,

‘ RESOLVED, therefore, that not only the dictates  
 ‘ of humanity, but the soundest principles of true  
 ‘ policy and self-preservation, make it absolutely  
 ‘ necessary for the inhabitants of all the colonies  
 ‘ in America to assist and support the people of  
 ‘ Boston, by all lawful ways in their power, and  
 ‘ especially to leave no justifiable means untried  
 ‘ to procure a repeal of those acts immediately re-  
 ‘ lative to them, and also all others affecting the  
 ‘ constitutional rights and liberties of America in  
 ‘ general. As the best means to effect this de-  
 ‘ sirable end,

‘ RESOLVED, that Henry Middleton, John Rut-  
 ‘ ledge, Christopher Gadsden, Thomas Lynch, and  
 ‘ Edward Rutledge, Esquires, be, and they are  
 ‘ hereby appointed deputies, on the part and be-  
 ‘ half of this colony, to meet the deputies of the  
 ‘ several colonies in North-America in general Con-  
 ‘ gress, on the first Monday in September next, in  
 ‘ Philadelphia, or at any other time and place that  
 ‘ may be generally agreed on there, to consider  
 ‘ the act lately passed, and bills depending in par-  
 ‘ liament, with regard to the port of Boston and  
 ‘ province of Massachusetts; which act and bills, in  
 ‘ the precedent and consequence, affect the whole  
 ‘ continent—also the grievances under which  
 ‘ America labours, by reason of the several acts  
 ‘ of parliament that impose taxes or duties for rais-  
 ‘ ing a revenue, and lay unnecessary restrictions  
 ‘ and burdens on trade; and of the statutes, par-  
 ‘ liamentary acts, and royal instructions, which  
 ‘ make

‘ make an invidious distinction between his Majesty’s subjects in Great-Britain and America ;  
 ‘ with full power and authority, in behalf of us  
 ‘ and our constituents, to concert, agree to, and  
 ‘ effectually to prosecute such legal measures (by  
 ‘ which we for ourselves and them most solemn-  
 ‘ ly engage to abide) as in the opinion of the said  
 ‘ deputies, and of the deputies so to be assembled,  
 ‘ shall be most likely to obtain a repeal of the said  
 ‘ acts, and a redress of these grievances.

‘ RESOLVED, that while the oppressive acts relative to Boston are enforced, we will cheerfully,  
 ‘ from time to time, contribute towards the relief  
 ‘ of such poor persons there—whose unfortunate  
 ‘ circumstances may be thought to stand in need  
 ‘ of most assistance.

‘ RESOLVED, that a committee of ninety-nine  
 ‘ persons be now appointed, to act as a general  
 ‘ committee, to correspond with the committees  
 ‘ of the other colonies, and to do all matters and  
 ‘ things necessary to carry these resolutions into  
 ‘ execution ; and that any twenty-one of them,  
 ‘ met together, may proceed on business, their  
 ‘ power to continue till the next general meeting.’

THIS convention of the people, and these resolutions, laid the foundation of all the subsequent proceedings, which ultimately terminated in a revolution. The deputies appointed on this occasion, in a little time, sailed for Philadelphia ; and, on their arrival, were soon joined by others invested  
 with

with similar powers by the several provinces, and appointed for the same purposes.

IN this manner, by the general consent of the people, and the universal alarm for their liberties, a new representative body, with powers to bind all the American provinces, was speedily constituted. The continental Congress having, on the 26th of October 1774, finished their deliberations, the South-Carolina members returned home, and gave an account of their proceedings. The most important of which were as follows : <sup>d</sup> A state of American claims, particularly of their exclusive right to tax themselves, and to regulate their internal polity ; <sup>e</sup> A petition to the King, stating their grievances, and praying a repeal of thirteen Acts of parliament which imposed taxes on them, or interfered in their internal government ; <sup>f</sup> and an association to suspend importations of British goods, and the exportation of American produce, till these grievances were redressed. <sup>g</sup> They also addressed the people of Great-Britain, <sup>h</sup> and the inhabitants of the colonies. With great energy of language they justified their proceedings to both, and endeavoured to dissuade the former from aiding any attempt on their liberties, and the latter from a tame relinquishment of them. To give efficacy to the measures adopted by the deputies at Philadelphia, it was determined, by the

<sup>d</sup> See note IV. <sup>e</sup> See note V. <sup>f</sup> See note VI.

<sup>g</sup> See note VII. <sup>h</sup> See note VIII.

the general committee in Charleston, to convene a provincial Congress, by electing representatives from every parish and district in South-Carolina, and to submit the proceedings of the continental Congress to their judgment. As the measures about to be adopted depended entirely on the consent of the people, a very large representation was thought adviseable. The constitutional Assembly consisted only of forty-nine, but this new representative body consisted of more than two hundred. The members of the constitutional Assembly were universally members of the Congress, but with this difference, that in the latter capacity they could neither be prorogued nor dissolved by the royal governor. This first provincial Congress met on the 11th of January 1775, and took under consideration the proceedings of the continental Congress at Philadelphia in the close of the preceding year. Without one dissenting voice they gave publick thanks to their late deputies to the continental Congress, approved their proceedings, and resolved to carry them into execution. Domestick manufactures were encouraged. Donations were liberally made and forwarded to the suffering inhabitants of Boston, and the greatest zeal was discovered, by a large majority of the people, to comply with the determination of these new made representative bodies. Lest the selfishness of individuals might break through the publick resolutions, committees of inspection and observation were appointed, whose business it was to see that they were universally obeyed.



obeyed. Peter Timothy, Esq. the chairman of one of these committees, was indefatigable in the execution of his duty, and, from time to time, faithfully reported to the general committee or provincial Congress every transaction that was inconsistent with the measures adopted by the country.

THE first of February 1775 was the day fixed by the continental Congress, after which no British goods should be imported. Notwithstanding the solemnity with which the resolutions had been adopted, several vessels loaded with British goods arrived in the harbour after that period. It was doubtless presumed by many that an association, so contrary to the immediate interest and convenience of such great numbers, would be either violated or evaded. But, to their great surprize, they found the resolutions so well observed, that a single article could not be landed, and that they must either throw overboard or send back their cargoes. A vessel arrived in March 1775 with a few articles of household furniture, and two horses, not designed for sale. A vote of the general committee, by a small majority, determined that the landing of these articles, not being intended for trade, was not contrary to the continental association. The people, if possible, more zealous than their leaders, respectfully petitioned the general committee to reconsider their vote on this subject. Two hundred and fifty-six citizens having concurred in this application, it was re-

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considered—

considered—the former vote rescinded, and the horses and household furniture sent back to Great-Britain.

IN this manner, while the form of the old government subsisted, a new and independent authority was virtually established. It was so universally the sense of the people, that the publick good required a compliance with the resolutions of Congress; that any man, who discovered an anxiety about the continuance of trade and business, was considered as a selfish individual, preferring private interest to the good of his country. Under the influence of these principles, the intemperate zeal of the populace transported them frequently so far beyond the limits of moderation, as to apply singular punishments to particular persons who contravened the general sense of the community.

THIS was the third time that a scheme of non-importation had been adopted. From its success on two former occasions, and an apprehension that the trade of America was necessary to the inhabitants of Great-Britain, it was generally hoped the obnoxious acts would soon be repealed. The non-exportation of produce was not to take place till the 10th of September following, and was only adopted as a provisional expedient in case the other should fail. An appeal to arms, independence, and an alliance with France, were events at this period neither intended nor expected.



pected. A bloodless self-denying opposition was all that South-Carolina designed, and was all the sacrifice, which, as she supposed, would be required at her hands. The subsequent events proved that much more was to be done, and much heavier sufferings to be undergone, before the prize, for which she contended, could be obtained.

## CHAPTER

## CHAPTER SECOND.

*Of the taking of arms.*

**D**URING the first three months of the year 1775, hopes were entertained that Great-Britain would follow the same line of policy which before had led her to repeal the stamp-act. The sanguine friends of America presumed, that a rigid adherence to their resolutions of non-importation and non-exportation would induce the mother-country to recede from her demands. Warm with these expectations, they looked for the first vessels from Great-Britain, after the winter session of parliament, with an ardour not known before. On the 19th of April 1775, a packet from London reached Charleston; but with intelligence subversive of the pleasing hopes of a speedy accommodation. On that same day hostilities were commenced at Lexington, in the Massachusetts, by a detachment from the royal army at Boston, against the inhabitants of that province. Within a few days after a particular account of that bloody scene was brought to the general committee in Charleston. No event during the war seemed so universally to interest the minds of the people. All were struck with the new face of things, and now viewed the contest in a much more serious light. From every appearance Great-Britain, instead of redressing American grievances, was determined to dragoon the colonists into submission. The spirit

spirit of freedom, beating high in every breast, could not brook the idea ; while reason, more temperate in her decisions, suggested to the people their insufficiency to make effectual opposition. They were fully apprized of the power of Britain—They knew that her fleets covered the ocean, and that her flag had waved in triumph through the four quarters of the globe—They knew that they were exposed on their western frontiers to the irruptions of savage tribes, whose common rule of warfare is promiscuous carnage—and they were not ignorant that their slaves might be worked upon, by the insidious offer of freedom, to slay their masters in the peaceful hour of domestick security. The province, through its whole extent on the sea coast, which is nearly two hundred miles, was accessible to the fleets and armies of Great-Britain. For defence, it possessed but a few fortifications, too inconsiderable for particular notice, and even these were held by the officers of the King. The royal governor was commander in chief of the militia ; and all the officers, being of his appointment, held their commissions during his pleasure. The inhabitants were quite defenceless—without arms—without ammunition—without clothing—without ships—without money—without officers skilled in the art of war. The stores of the merchants afforded no supplies, as the importation of arms had been restrained by the resolutions of Congress. That Great-Britain would commence hostilities, was not imagined—that America should have recourse to arms, was not originally intended :

tended; of course no exception was made to the general scheme of non-importation. Twelve hundred stand of musquets were in the royal magazine, but they could not be obtained without the commission of an overt act of treason. However, this alarming crisis of publick affairs stripped treason of its wonted terrors—All statutes of allegiance were considered as repealed on the plains of Lexington, and the laws of self-preservation left to operate in full force—Accordingly, on the night after intelligence of actual hostilities was received, a number of the principal gentlemen in Charleston concerted a plan to take possession of the arms and accoutrements in the royal arsenal, which they instantly carried into execution. They removed them that night from the arsenal, and afterwards distributed them among the men enlisted in the publick service. Lieutenant governor Bull immediately offered a reward of one hundred pounds sterling to any person who should discover the persons concerned in this business; but such as had the power had not the inclination, while the few who had the inclination were afraid to incur the risk of informing.

HITHERTO the opposition to Great-Britain had been entirely conducted on commercial principles; but she, disregarding the losses consequent on the suspension of her American trade, and turning a deaf ear to the petitions and remonstrances of the colonists, had seriously resolved to enforce their obedience. The Americans, therefore, now found themselves

themselves with no alternative left, but a mean submission, or a manly and virtuous resistance. Though the colonists to the southward of Boston were not immediate sufferers, yet they were sensible that a foundation was laid for every species of future oppression. The news-papers and other publications, through all the colonies, were filled with arguments and declamations to the following effect: ‘ If a British parliament, in which we are  
 ‘ unrepresented, has a right to shut up our ports,  
 ‘ to tax us at pleasure, to abolish our charters, and  
 ‘ to bind us in all cases whatsoever, we are tenants  
 ‘ at will, depending on the good humour of our  
 ‘ fellow-subjects for all our possessions.’

IN this new state of matters, the provincial Congress was immediately summoned by the general committee, to meet in twenty-three days at Charleston. The reasons stated for this unexpected call were assigned by themselves in the following words :

‘ I. BECAUSE the British troops, in the province of Massachusetts, did, on the 19th of April  
 ‘ last, commence a civil war in America, with force  
 ‘ of arms, seizing and destroying the property of the  
 ‘ people of that colony, and making hostile assaults  
 ‘ on their persons, whereby many of them fell in  
 ‘ battle in defence of the property and liberty of  
 ‘ America. A conduct in the British troops amounting in effect to a direct and hostile attack  
 ‘ upon



‘ upon the whole people of this continent, threatening them with all the calamities of slavery.

‘ II. BECAUSE this colony cannot discharge her duty in defence of American freedom, unless we are put into a state of security against any immediate attack by the British arms. This colony being in a manner so totally defenceless, that if only a small British military force should arrive, while things are in so deplorable a situation, they might easily take post in Charleston, where the continuance of the provincial Congress, and general committee, would thereby become not only dangerous, but impracticable ; and there not being any body of men to enforce the execution of the American association, there is every probability that, in such a situation of affairs, it would be immediately violated. A circumstance that might be of the most fatal consequence to America.

‘ III. BECAUSE there are just grounds to apprehend an insurrection of the slaves, and hostilities from the Indians, instigated by the tools of a wicked administration.

‘ IV. BECAUSE the formidable military and naval forces, lately sent from Great-Britain to reinforce the army in Boston, manifest the accursed design of the British ministry to endeavour to quell the American troubles by the law of arms, and not to quiet them by the laws of  
‘ reason

‘ reason and justice. Hence, despairing of a redress of grievances by dutiful and peaceable applications, long unavailingly presented to his Britannic Majesty, we see no alternative but that we submit to abject slavery, or appeal to the Lord of Hosts in defence of the common and unalienable rights peculiar to Englishmen.’

So great was the zeal of the inhabitants, and so general the alarm throughout the province, that one hundred and seventy-two members of the provincial Congress met on the day appointed, the first of June 1775, and proceeded with such assiduity, that they finished a great deal of important business in a short session of twenty-two days. Great were the objects which came before this assembly. Hitherto the only sacrifices demanded at the shrine of liberty, were a suspension of trade and business; but now the important question was agitated, whether it was better to ‘ live slaves or die freemen.’

ON the second day of their meeting it was unanimously resolved, that an association was necessary. The following one was drawn up and signed by their president Henry Laurens, esq. and all the members present, and afterwards very generally by the inhabitants.

#### ‘ S O U T H - C A R O L I N A .

‘ THE actual commencement of hostilities against this continent by the British troops, in  
F the



‘ the bloody scene on the 19th of April last, near  
 ‘ Boston—the increase of arbitrary impositions  
 ‘ from a wicked and despotick ministry—and the  
 ‘ dread of insurrections in the colonies—are  
 ‘ causes sufficient to drive an oppressed people to  
 ‘ the use of arms. We, therefore, the subscri-  
 ‘ bers, inhabitants of South-Carolina, holding  
 ‘ ourselves bound by that most sacred of all obli-  
 ‘ gations—the duty of good citizens towards an  
 ‘ injured country, and thoroughly convinced that,  
 ‘ under our present distressed circumstances, we  
 ‘ shall be justified before God and man in resist-  
 ‘ ing force by force—do unite ourselves under  
 ‘ every tie of religion and honour, and associate  
 ‘ as a band in her defence against every foe—  
 ‘ hereby solemnly engaging that, whenever our  
 ‘ continental or provincial councils shall decree it  
 ‘ necessary, we will go forth, and be ready to sa-  
 ‘ crifice our lives and fortunes to secure her free-  
 ‘ dom and safety. This obligation to continue in  
 ‘ full force until a reconciliation shall take place  
 ‘ between Great-Britain and America, upon con-  
 ‘ stitutional principles—an event which we most  
 ‘ ardently desire. And we will hold all those per-  
 ‘ sons inimical to the liberty of the colonies who  
 ‘ shall refuse to subscribe this association.’

WITHIN three days after, it was resolved to raise  
 two regiments of foot, and a regiment of rangers,  
 and to put the town and province in a respectable  
 posture of defence. These resolutions were de-  
 liberately agreed to, after counting the cost. Esti-  
 mates

mates of expences were laid before the provincial Congress, by which it appeared that the measures adopted would cost the province, the first year, one hundred and forty thousand pounds sterling. The language of the times was, ‘ we will freely give ‘ up half, or even the whole of our estates for ‘ the security of our liberties.’ To defray these expences bills of credit were struck, which, without being a tender in law, and though funded on nothing but the consent and enthusiasm of the people, retained their credit undiminished for eighteen months, and answered every purpose of a circulating medium.

So great was the military ardour among the gentlemen of the province, that the candidates for commissions in the proposed regiments were four times as numerous as could be employed, and in their number were many of the first families and fortune. They who were appointed by their country, for the command of its regular forces, obtained rank by the vote of the provincial Congress, in the following order :

Christopher Gadsden, col.	} of the first regi- ment of foot.
Isaac Huger, lieut. col.	
Owen Roberts, major,	

William Moultrie, col.	} of the second re- giment of foot.
Isaac Motte, lieut. col.	
Alexander M'Intosh, major,	

William

William Thomson, lieut. col. } of the regiment  
 James Mayson, major, } of rangers.

1	Cha. Cotefworth Pinckney,	} Captains in the 1st and 2d regiments of foot.
2	Bernard Elliot,	
3	Francis Marion,	
4	William Cattell,	
5	Peter Horry,	
6	Daniel Horry,	
7	Adam M'Donald,	
8	Thomas Lynch, junior,	
9	William Scott,	
10	John Barnwell,	
11	Nicholas Eveleigh,	
12	James M'Donald,	
13	Isaac Harleston,	
14	Thomas Pinckney,	
15	Francis Huger,	
16	William Mafon,	
17	Edmund Hyrne,	
18	Roger-P. Sanders,	
19	Benjamin Cattell,	
20	Charles Motte,	

1	Samuel Wise,	} Captains in the regiment of rangers.
2	Ezekiel Polk,	
3	John Caldwell,	
4	Eli Kershaw,	
5	Robert Goodwyn,	
6	Moses Kirkland,	
7	Edward Richardson,	
8	Thomas Woodward,	
9	John Purves,	

- 1 Anthony Ashby,
- 2 James Ladson,
- 3 John Vanderhorst,
- 4 John Mouatt,
- 5 Thomas Elliott,
- 6 William Oliphant,
- 7 Glen Drayton,
- 8 Joseph Joor,
- 9 Robert Armstrong,
- 10 John Blake,
- 11 Alexander M'Queen,
- 12 James Peronneau,
- 13 Richard Shubrick,
- 14 Richard Fuller,
- 15 Richard Singelton,
- 16 John-Allen Walter,
- 17 Benjamin Dickinson,
- 18 William Charnock,
- 19 Thomas Lefefne,
- 20 Thomas Moultrie,

First lieutenants in the 1st and 2d regiments of foot.

- 1 John-Lewis-Peyer Imhoff,
- 2 Charles Heatley,
- 3 Allen Cameron,
- 4 Richard Winn,
- 5 John Donaldson,
- 6 Hugh Middleton,
- 7 Lewis Dutarque,
- 8 Francis Boyakin,
- 9 Samuel Watson,

First lieutenants of the regiment of rangers.

IN this manner, in a few weeks after the Lexington battle, the popular leaders became possessed of an army and treasury at their command. The militia officers also having resigned their commissions under the royal governor, were, by their own consent, subjected to the orders of the provincial Congress. The following gentlemen were chosen a council of safety: col. Henry Laurens, col. Charles Pinckney, the hon. Rawlins Lowndes, Thomas Ferguson, Miles Brewton, Arthur Middleton, Thomas Heyward, junior, Thomas Bee, and John Huger, esqrs. col. James Parsons, hon. William-Henry Drayton, Benjamin Elliott, and William Williamson, esquires. To this council the provincial Congress delegated authority to certify commissions, to suspend officers, and to order courts-martial for their trial; to have the direction, regulation, maintenance and ordering of the army, and of all military establishments and arrangements, and to draw on the treasury for the demands of the publick service.

DURING the sitting of this Congress, which had in so many instances invaded the royal prerogative, lord William Campbell, governor of the province, arrived, and was received with all the demonstrations of joy usual on similar occasions. The provincial Congress waited on him with the following address:

‘ May it please your excellency,  
 ‘ WE, his Majesty’s loyal subjects, the repre-  
 ‘ sentatives



‘ sentatives of the people of this colony, in Congress assembled, beg leave to disclose to your excellency the true causes of our present proceedings, not only that upon your arrival among us you may receive no unfavourable impression of our conduct, but that we may stand justified to the world.

‘ WHEN the ordinary modes of application for redress of grievances, and the usual means of defence against arbitrary impositions, have failed, mankind generally have had recourse to those that are extraordinary : hence the origin of the continental Congress ; and hence the present representation of the people in this colony. It is unnecessary to enumerate the grievances of America : they have been so often represented, that your excellency cannot be a stranger to them. Let it therefore suffice to say, that the hands of his Majesty’s ministers, having long lain heavy, now press us with intolerable weight. We declare that no love of innovation, no desire of altering the constitution of government, no lust of independence, has had the least influence upon our counsels ; but, alarmed and roused by a long succession of arbitrary proceedings by wicked administrations, impressed with the greatest apprehension of instigated insurrections, and deeply affected by the commencement of hostilities by the British troops against this continent, solely for the preservation and in defence of our lives, liberties and properties, we have been impelled to associate, and to take up arms. ‘ WE



' WE sincerely deplore those slanderous infor-  
 ' mations, and wicked counsels, by which his Ma-  
 ' jesty has been led into measures, which, if per-  
 ' sisted in, must inevitably involve America in all  
 ' the calamities of civil war, and rend the British  
 ' empire. We only desire the secure enjoyment  
 ' of our invaluable rights, and we wish for nothing  
 ' more ardently than a speedy reconciliation with  
 ' our mother-country, upon constitutional prin-  
 ' ciples.

' CONSCIOUS of the justice of our cause, and  
 ' the integrity of our views, we readily profess our  
 ' loyal attachment to our Sovereign, his crown and  
 ' dignity; and, trusting the event to Providence,  
 ' we prefer death to slavery.

' THESE things we have thought it our duty to  
 ' declare, that your excellency, and, through you,  
 ' our august Sovereign, our fellow-subjects, and  
 ' the whole world, may clearly understand that  
 ' our taking up arms is the result of dire neces-  
 ' sity, and in compliance with the first law of  
 ' nature.

' WE intreat and trust, that your excellency  
 ' will make such a representation of the state of  
 ' this colony, and of our true motives, as to assure  
 ' his Majesty that, in the midst of all our compli-  
 ' cated distresses, he has no subjects in his wide  
 ' extended dominions, who more sincerely desire  
 ' to testify their loyalty and affection, or who  
 ' would

‘ would be more willing to devote their lives and  
 ‘ fortunes in his real service.’

To this address, presented on the 21st of June 1775, in behalf of the Congress, by a large deputation of their number, his excellency lord William Campbell made the following answer ;

‘ GENTLEMEN,

‘ I KNOW of no representatives of the people of  
 ‘ this province, except those constitutionally convened in the general assembly; and am incompetent to judge of the disputes which at present unhappily subsist between Great-Britain and the  
 ‘ American colonies.

‘ IT is impossible, during the short interval since  
 ‘ my arrival, that I should have acquired such a  
 ‘ knowledge of the state of the province, as to be  
 ‘ at present able to make any representation thereupon to his Majesty; but, you may be assured,  
 ‘ no representation shall ever be made by me, but  
 ‘ what shall be strictly consistent with truth, and  
 ‘ with an earnest endeavour to promote the real  
 ‘ happiness and prosperity of the province.’

OPPOSITION having been carried much further by this Congress than was originally intended at the time of their election, they resolved to give the people a fresh opportunity to express their unbiassed judgment on the state of publick affairs. They therefore determined, that their own exist-

ence as a body should expire in about six weeks, viz. on the sixth of August next following; and that a new election should be held on the two succeeding days for a new provincial Congress. On the 22d of June 1775 they adjourned, having first delegated a great part of their authority to the council of safety and the general committee, the former of which was in the nature of an executive, and the latter of a legislative authority. It was particularly recommended to the general committee, to take effectual methods to have the association signed throughout the province, and to demand from the non-subscribers the reasons of their refusal. Excepting in that part of the country included between the Broad and Saluda rivers the non-subscribers were comparatively few. In Charleston, where the general committee sat, their number amounted to about forty. The greatest part of these were officers living on salaries paid by his Britannick majesty. They and others in the same predicament were advertised as inimical to the liberties of America, and all intercourse between them and the Associators was interdicted. An oath of neutrality was required of all, to which some agreed. Those who refused were disarmed, and a few, who would not enter into any engagements for the publick security, were confined to their houses and plantations.

THE people having concurred with the views of Congress in a military opposition, various plans were suggested for the defence of the province.

Some

Some thought it necessary to obstruct the bar, by sinking vessels so as to exclude the approach of ships of war. Others proposed abandoning the town, and making their stand in the country. Many measurements were made, and much expence incurred, to accomplish the first, but it was at last abandoned as impracticable. Nevertheless a spirited resolution was adopted to defend the town to the last extremity.

AT the time all these military preparations were making, the whole quantity of powder in the province did not exceed three thousand pounds. The people not originally designing a military opposition, no care was taken to provide stores ; but now, reduced to the alternative of fighting or submitting, extraordinary methods were taken to obtain a supply. The inhabitants of East-Florida having never joined in measures of opposition to Great-Britain, the ports of that province were open for the purposes of trade.

TWELVE persons, in which number were captains Tempirere, Cochran, Hatter, Tufts, Joyner; Messrs. Tebant, Williamson and Jenkins, authorized by the council of safety, sailed from Charleston for that coast ; and, by surprize, boarded a vessel near the bar of St. Augustine, though twelve British grenadiers, of the 14th regiment, were on board. They took out fifteen thousand pounds of powder, for which they gave a bill of exchange to the captain, and having secured a safe retreat to themselves,

themselves, by spiking the guns of the powder vessel, they set sail for Carolina. Apprehending that they should be pursued, they steered for Beaufort. From that place they came by the inland navigation, and delivered their prize to the council of safety, whilst their pursuers were looking for them at the bar of Charleston. This seasonable supply enabled the people of South-Carolina to oblige their suffering brethren in Massachusetts, who, though immediately exposed to the British army, were in a great measure destitute of that necessary article of defence. Part of this powder, which was taken near the bar at St. Augustine, was also furnished to the troops who went in the year 1775 on the expedition into Canada. Though the popular leaders had determined on a military opposition, yet Fort Johnson on James-Island, which commanded the harbour of Charleston, continued in possession of the King's servants for more than three months after these resolutions were adopted. The Tamar sloop of war, and Cherokee armed vessel of eighteen guns, lay in rebellion road opposite to Sullivan's island. This force was at that time fully sufficient to have destroyed the town; but the royal officers, either from an apprehension that indiscriminate violence could not be justified, or from a contempt of the popular party, attempted nothing vigorous or decisive.

ABOUT the middle of September 1775, the general committee became possessed of intelligence  
from



from lord William Campbell ‘ That the King of  
 ‘ Great-Britain was resolved to carry his scheme  
 ‘ into execution from one end of the continent to  
 ‘ the other, and that troops would soon be sent  
 ‘ out to all the colonies.’ On the next evening  
 it was resolved, ‘ That proper measures ought to  
 ‘ be immediately taken, to prevent Fort Johnson  
 ‘ being made use of to the prejudice of the colo-  
 ‘ ny.’ This resolution being communicated to  
 the council of safety, they issued the necessary  
 orders for securing that important post. Colonel  
 Motte, with a party of the new raised provincials,  
 was appointed to execute this first military enter-  
 prize, under the authority of the council of safety.  
 On the night on which he embarked, before he  
 landed on the island, the fort was dismantled, the  
 guns dismounted, and the people belonging to it  
 retired on board the Cherokee and Tamar vessels  
 of war. On the following night captain Heyward,  
 with thirty-five of the Charleston artillery, landed  
 at the fort ; and notwithstanding an incessant rain,  
 they had three guns ready for action before the  
 dawning of day. The officers of the men of war,  
 then in the harbour, discovered a strong inclina-  
 tion to fire upon the fort ; but, for very prudent  
 reasons, desisted from the attempt.

THE popular leaders issued orders, forbidding  
 the King’s victuallers to supply the men of war  
 with provisions and water, otherwise than from  
 day to day. After sundry letters and messages  
 had passed on this subject, captain Thornborough,  
 of



of the sloop Tamar, gave publick notice, ‘ That  
 ‘ if his Majesty’s agents in Charleston were not  
 ‘ permitted regularly, and without molestation, to  
 ‘ supply the King’s ships Tamar and Cherokee  
 ‘ with such provisions as he thought necessary to  
 ‘ demand, he would not from that day, so far as it  
 ‘ was in his power, suffer any vessel to enter the  
 ‘ harbour of Charleston or depart from it.’ Much  
 was expected from this well-timed threat. The  
 royal servants had flattered themselves that the  
 opposition was entirely owing to a few ambitious  
 demagogues in Charleston.

THE new provincial Congress met, agreeably  
 to their original appointment, on the 1st of No-  
 vember 1775. On that day capt. Thornborough  
 sent this menacing letter to the chairman of the  
 general committee. This Congress had been  
 chosen subsequent to the late resolution for rais-  
 ing troops, and resisting Great-Britain. The royal  
 servants presumed that the people at large would  
 not justify these invasions of their master’s prero-  
 gative ; and, as they had lately had an opportunity  
 given by a general and free election to express  
 their real opinions on the state of the province,  
 that the new Congress would reverse the determi-  
 nations of the former. They were encouraged in  
 these ill-founded hopes by a petition of three hun-  
 dred and sixty-eight inhabitants of Charleston,  
 who had requested the council of safety to desist,  
 till the meeting of the new Congress, from the  
 execution of a plan which was patronized by a  
 number

number of leading men, for driving the king's ships out of the harbour, and for obstructing the bar. To the great surprise of the king's officers, the new provincial Congress, instead of receding from the resolution of the former, took methods to ward off the injuries that might arise from the execution of the menaces of capt. Thornborough. They sent out two armed pilot boats with orders to cruise near the bar, and to caution all vessels destined for Charleston to steer for some other port.

THE late Congress in June had agreed to arm the colony; but many still shuddered at the idea of hostile operations against their former friends and fellow-subjects. It was at length, after much debating, resolved by the new Congress, on the 9th of November 1775, to direct the American officer commanding at Fort Johnson, 'by every military operation, to endeavour to oppose the passage of any British naval armament that might attempt to pass.' Though the fort had been in the possession of the council of safety for near two months, yet a variety of motives restrained them from issuing orders to fire on the King's ships. When this resolution was adopted, they communicated it by the following letter, addressed to capt. Thornborough, commander of the Tamar loop of war.

‘BY

## ‘ BY ORDER OF CONGRESS.

‘ Charleston, Nov. 9, 1775,

‘ SIR,

‘ THE late cruel cannonade of Bristol, by the  
 ‘ British ships of war, to enforce an arbitrary de-  
 ‘ mand of sheep; the general depredations on the  
 ‘ American coast by ministerial authority; late  
 ‘ advices from England of large military arma-  
 ‘ ments by land and sea, for the hostile invasion of  
 ‘ the colonies upon this continent; and the pro-  
 ‘ clamation of the 23d of August last, at the court  
 ‘ of St. James, by which the good people of Ame-  
 ‘ rica are unjustly described as in avowed rebellion,  
 ‘ superadded to the former American grievances  
 ‘ and to your late unjustly seizing the persons, ves-  
 ‘ sels and property of the inhabitants of this coun-  
 ‘ try, together with lord Wm. Campbell’s threats  
 ‘ of hostility against us; have sunk deep in the  
 ‘ minds of the people; who, seeing themselves, by  
 ‘ the royal act, in effect put out of the regal pro-  
 ‘ tection, are at length driven to the disagreeable  
 ‘ necessity of ordering a military opposition to the  
 ‘ arms of the British ministry: but the people of  
 ‘ South-Carolina, remembering that those who  
 ‘ point the British arms at their breasts, and against  
 ‘ their invaluable liberties, are their dear country-  
 ‘ men, and once were their friends; unwilling,  
 ‘ yet determined, to oppose any approach of threat-  
 ‘ ening danger to their safety; have directed me to  
 ‘ intimate to you, Sir, as commander in chief of the  
 ‘ British armament on this station, that orders are  
 ‘ issued to the commanding officer at Fort Johnson,

‘ by

‘ by every military operation, to endeavour to  
 ‘ prevent any ministerial armament from passing  
 ‘ that post.

‘ WE thus think it proper to warn you of an  
 ‘ approach that must be productive of the shedding  
 ‘ of blood, which, in other circumstances, we  
 ‘ would endeavour to prevent.

‘ WILLIAM-HENRY DRAYTON, President.’

AN open passage to the town, without approaching Fort Johnson, was still practicable for the small royal armed vessels Tamar and Cherokee. It was therefore at the same time resolved, to obstruct the passage through Hog-Island channel. Captain Tufts was ordered to cover and protect the sinking of a number of hulks in that narrow strait. While he was engaged in this business on board a coasting schooner, which was armed for the security of the town, and called the Defence, the Tamar and Cherokee warped in the night of Nov. 12, 1775, within gun shot of him, and began a heavy cannonade. The inhabitants were alarmed, expecting that the town, in its defenceless state, would be fired upon; but about sunrise both vessels dropped down to their moorings in rebellion-road, without having done any material injury either to the schooner or to any of her crew. The schooner Defence returned a few shot, but they were equally ineffectual. This was the commencement of open hostilities in South-Carolina.

ON the evening of the same day on which this attack was made, the provincial Congress impressed, for the publick service, the ship Prosper, and appointed a committee to fit and arm her as a frigate of war. On the day following they voted that a regiment of artillery should be raised, to consist of three companies with one hundred men in each. Owen Roberts was appointed lieutenant colonel; Bernard Elliott, major; Bernard Beekman, Charles Drayton and Sims White, captains of this body. Bills of credit, to the amount of seventeen thousand pounds sterling, were struck for their support. A vote was taken about the same time for a new council of safety. Ten of the former thirteen were re-elected, and the hon. Henry Middleton, David Oliphant and Thomas Savage, esqrs. added in the room of three others. Their powers were enlarged so far as to authorize them, ‘to do all such matters and things relative to the strengthening, securing and defending the colony as should by them be judged expedient and necessary.’

AGREEABLY to the menaces of captain Thornborough, the King’s ships in the road seized all the vessels within their reach, which were either coming to Charleston or going from it. These seizures commenced several weeks prior to the act of parliament for confiscating American property. While the royal vessels lay near Sullivan’s-Island, negroes had been encouraged to desert from their masters, and were there harboured under royal protection. Captain Coachman, at the head of a  
party



party of riflemen, landed on the island, burnt the pesthouse, and broke up that asylum of fugitive slaves. By order of the council of safety, whose whole plan was defence, he was restrained from firing on the King's servants, though his marksmen had some of them fully in their power.

AFTER these unauthorized seizures of private property had been continued about six weeks, the council of safety took measures to drive the royal armed vessels out of the road of Charleston. To effect this col. Moultrie, with a party of new-raised provincials, and Charleston-artillery, took possession of Haddrell's point, and mounted a few pieces of heavy artillery on some slight works. A few well directed shot from this post induced the commanders of the Cherokee and Tamar to put out to sea. The harbour and road being clear, the council of safety proceeded in their plans of defence. They completed the fortifications at Haddrell's point, and at Fort Johnson—continued a chain of fortifications in front of the town, both to the eastward and southward—and erected a new fort on James-Island to the westward of Fort Johnson, and a very strong one on Sullivan's-Island. The militia were diligently trained—the provincial troops were augmented and disciplined with care, and every possible preparation made to defend the colony.

IN addition to the four regiments ordered to be raised in the Year 1775, two regiments of riflemen



men were voted in February 1776, in which the following appointments were made.

Isaac Huger, col.	} of the 1st rifle regiment.
Alexander M'Intosh, lieut. col.	
Benjamin Huger, major,	
Thomas Sumpter, lieut. col. commandant,	} of the 2d regi- ment of rifle- men.
William Henderson, major,	
Hezekiah Maham,	} Captains of the 1st regi- ment of rifle- men.
Benjamin Tutt,	
George Cogdell,	
William Richardson,	
Richard Richardson, jun.	
William Henderson,	
John Bowie,	
Samuel Taylor,	} Captains of the 2d regi- ment of rifle- men.
James Duff,	
George Wade,	
Richard Richardson, jun.	
William Brown,	

NOTWITHSTANDING opposition had assumed a bolder face, yet the original plan of distressing the British trade and West-India islands continued to be observed : though the hopes entertained of a redress of American grievances, from the justice, generosity and policy of the British nation, were every day less sanguine ; yet they were far from  
being

being entirely abandoned. It was presumed in America that their military preparations would add weight to their commercial opposition, and operate more forcibly to induce the government of Great-Britain to redress their grievances. In the mother-country it was taken for granted, that resolute exertions on her part, to enforce the submission of America, would effectually intimidate the colonies from persevering in opposition. But on experiment it was found that vigorous measures, instead of inducing either party to recede, encouraged both to persevere.

IN the midst of their military preparations, the people of America adhered steadfastly to their original plan of non-importation and non-exportation. Had independence been their first object, these restrictions would never have been adopted ; had it been intended even when they first took up arms, they would have rescinded their resolutions, and imported more largely than ever. Common sense revolts at the idea of a large body of people, unable to supply their own wants, intending a serious war to emancipate their country from dependence on the parent-state, and at the same time, by a voluntary agreement, depriving themselves of all the means necessary to procure foreign supplies. The people of South-Carolina not only observed the continental resolutions within their own limits, but co-operated with the friends of freedom in Georgia, to prevent an infringement of them in that colony.

THE party for royal government was so strong in that infant colony, that they formed a bold attempt to contravene the publick resolutions. They loaded eleven vessels early in 1776 with a view to trade contrary to the orders of Congress. To favour this design, four royal armed vessels took their station at Coxpur. One hundred and fifty volunteers from Charleston, and three hundred and fifty from the southern parts of South-Carolina, commanded by col. Bull, marched to Georgia to prevent the sailing of these vessels. They unrigged six of them. Three were burnt by the British—of the whole only two got off safe.

## CHAPTER

## CHAPTER THIRD.

*Of the extinction of royal authority, and of the royalists.*

THE legal representatives met twice in the constitutional assembly after the general meeting of the inhabitants on July 6, 1774. In their first session after that event, it was privately determined to give the sanction of their branch of the legislature to the resolutions adopted by the inhabitants at their late convention, though they were well aware that any vote for that purpose would induce the royal governor to exert his prerogative for their dissolution. After finishing the necessary publick business, the speaker of the house summoned a meeting of the members at a very early hour. The following motion, previously prepared, was read and agreed to without any debate.

## ‘ S O U T H - C A R O L I N A .

‘ In the commons house of assembly, August 2,  
 ‘ 1774: Colonel Powell acquainted the house, that,  
 ‘ during the recess of this house, viz. on the 6th,  
 ‘ 7th, and 8th days of July last, at a general  
 ‘ meeting of the inhabitants of this colony, they,  
 ‘ having under consideration the acts of parlia-  
 ‘ ment lately passed with regard to the port of  
 ‘ Boston and colony of Massachusetts, appointed  
 ‘ the honourable Henry Middleton, John Rut-  
 ‘ ledge, Thomas Lynch, Christopher Gadsden  
 ‘ and

‘ and Edward Rutledge, esquires, deputies on the  
 ‘ part and in behalf of this colony to meet the  
 ‘ deputies of the other colonies of North-Ame-  
 ‘ rica in general Congress the first Monday of  
 ‘ September next at Philadelphia, or at any other  
 ‘ time or place that may be generally agreed on,  
 ‘ there to consider the acts lately passed and bills  
 ‘ depending in parliament with regard to the port  
 ‘ of Boston and colony of Massachusetts-Bay ;  
 ‘ which acts and bills, in the precedent and con-  
 ‘ sequences, affect the whole continent of Ameri-  
 ‘ ca : also the grievances under which America  
 ‘ labours by reason of the several acts of Parlia-  
 ‘ ment that impose taxes or duties for raising a  
 ‘ revenue, and lay unnecessary restraints and bur-  
 ‘ dens on trade, and of the statutes, parliamentary  
 ‘ acts, and royal institutions, which make an in-  
 ‘ vidious distinction between his Majesty’s subjects  
 ‘ in Great-Britain and America ; with full power  
 ‘ and authority to concert, agree to, and effectu-  
 ‘ ally prosecute such legal measures as, in the opi-  
 ‘ nion of the said deputies, and of the deputies  
 ‘ so to be assembled, shall be most likely to obtain  
 ‘ a repeal of those acts and a redress of those  
 ‘ grievances : and thereupon moved, that this  
 ‘ house do resolve to recognize, ratify and con-  
 ‘ firm the said appointment of the deputies for the  
 ‘ purposes aforesaid.

‘ RESOLVED nemine contradicente, that this  
 ‘ house do recognize, ratify and confirm the ap-  
 ‘ pointment of the said deputies, for the purposes  
 ‘ mentioned



‘ mentioned in the said motion.’ The same words were used by the people in their general meeting, and by the legal representatives in the constitutional assembly, and the same persons were members of both bodies. Lieutenant-governor Bull endeavoured to dissolve them while they were ratifying this resolution, but the business was completed before a council could be convened. When too late, the sentence was pronounced, with the concurrence of one counsellor, the hon. mr. Irvine. This proceeding lessened the respect for royal government, and convinced the people more fully of the propriety of transacting publick business in provincial congresses, rather than in constitutional assemblies. His Majesty’s council for several years had been losing their weight in the government. Their number was small, and they were for the most part persons of little influence, unknown to the inhabitants in any other character than that of needy and depending crown officers.

HIS Majesty’s justices made their last circuit in the spring of 1775. On this occasion the hon. William-Henry Drayton, one of the assistant judges, and the only one who was born in America, in his charge to the grand-jury inculcated the same sentiments which were patronized by the popular leaders. Soon after, he was elected president of the provincial Congress, and devoted his great abilities with uncommon zeal to the support of the measures adopted by his native country. Before the next circuit his colleagues, having refused to



sign the association, were disarmed, and advertised as inimical to the liberties of America. Not long after he was appointed chief-justice by the voice of his country.

THROUGHOUT the year 1775, and the first months of the year 1776, the popular assemblies by words avowed their allegiance to the King of Great-Britain. Even while they were arming themselves they endeavoured to reconcile this conduct with their allegiance, alleging it was only in self-defence against ministerial tyranny, and not for purposes hostile to the King of Great-Britain. After the provincial Congress had raised regular troops, lord William Campbell gave commissions to the officers of volunteer companies of militia, which were formed and trained on the recommendation of the popular leaders. His lordship also convened an assembly, and transacted publick business with officers in the provincial regiments who were also members of the constitutional legislature; but finding them inflexibly averse from his schemes, he dissolved them on the 15th of September 1775, and never afterwards issued writs for a new election. For three months after his arrival he was unmolested, though indefatigable in secretly fomenting opposition to the popular measures. About the middle of September capt. Adam M'Donald, of the new raised provincials, had the address to get himself introduced to his Lordship under the feigned name of Dick Williams, a supposed confidential messenger from  
the

the back country royalists to the governor. In this assumed character he was informed that his lordship had, on the day before, received a letter from the King of Great-Britain, setting forth, ' that his Majesty was determined speedily to send out troops to execute his schemes from one end of the continent to the other.' With a view of encouraging the royalists, the governor gave an exaggerated account of the power of Britain, and of her fixed resolution to compel the submission of America. He interspersed his discourse with the severest reflections on the new-fangled congresses and committees. This conversation being speedily reported to the general committee, they sent a deputation from their body, of which captain M'Donald was one, to demand a communication of his lordship's late despatches from England, and a perusal of his correspondence with the back country. All these requisitions being peremptorily refused, it was moved in the committee to take the governor into immediate custody, but the proposition was rejected by a considerable majority. His Lordship, mortified at the deception which had been passed upon him, and distrustful of his personal safety in Charleston, took the province seal with him, and retired on board the Tamar sloop of war. In about a fortnight after, the general committee sent a deputation from their body with an address, inviting his return to Charleston ; in which they assured him, ' that while, agreeably to his own repeated declarations, he should take no active part against  
 ' the

‘ the good people of the colony, in the present  
 ‘ arduous struggle for the preservation of their  
 ‘ liberties, they should, to the utmost of their  
 ‘ power, secure to his excellency that safety and  
 ‘ respect for his person and character which the in-  
 ‘ habitants of Carolina had ever wished to shew  
 ‘ to the representative of their Sovereign.’<sup>1</sup> But  
 notwithstanding these fair promises his lordship  
 thought it most prudent to continue on board.

LEGISLATIVE, executive and judicial powers  
 were insensibly transferred from their usual chan-  
 nels to a provincial congress, council of safety,  
 and subordinate committees. The inhabitants,  
 generally alarmed for their liberties, took sun-  
 dry steps for their preservation. From their  
 own impulse they met and chose their representa-  
 tives in committees and congresses. The power  
 of these bodies was undefined; but by common  
 consent it was comprized in the old Roman max-  
 im: ‘ To take care that the commonwealth  
 ‘ should receive no damage.’ The ardour of the  
 people, and their jealousy of the designs of Great-  
 Britain, gave the force of laws to their determi-  
 nations. The voice of an approving country  
 gave efficacy to the proceedings of the commit-  
 tees. They supported the provincial Congress,  
 which, in its turn, gave an active energy to the  
 resolutions of the continental Congress.

EARLY in 1776 the hon. Henry Middleton,  
 Christopher

<sup>1</sup> See note ix.

Christopher Gadſden and John Rutledge, returned from the continental Congress while the provincial Congress was ſitting. The preſident William-Henry Drayton, being deſired to return thanks to them and their colleagues for their ſervices in the American Congress, addreſſed them in the following words :

‘ GENTLEMEN,

‘ WHEN the hand of tyranny, armed in hoſ-  
 ‘ tile manner, was extended from Great-Britain,  
 ‘ to ſpoil America of whatever ſhe held moſt va-  
 ‘ luable, it was for the moſt important purpoſes  
 ‘ that the good people of this colony delegated  
 ‘ you to repreſent them in the continental Con-  
 ‘ grefs at Philadelphia. It became your buſineſs  
 ‘ to aſcertain the rights of America ; to point out  
 ‘ her violated franchiſes ; to make humble repre-  
 ‘ ſentation to the King for redreſs ; and, he being  
 ‘ deaf to the cries of his American ſubjects, to  
 ‘ appeal to the King of kings for the recovery of  
 ‘ the rights of an infant people, by the Maſteſty of  
 ‘ Heaven, formed for future empire.

‘ IN this moſt important buſineſs you engaged,  
 ‘ as became good citizens, and ſtep by ſtep you  
 ‘ deliberately advanced through it with a regret  
 ‘ and ſorrow, and with a reſolution and conduct,  
 ‘ that bear all the characters of ancient magnani-  
 ‘ mity. Your conſtituents, with a ſteady eye,  
 ‘ beheld your progreſs—they ſaw the American  
 ‘ claim of rights—the aſſociation for the recovery  
 ‘ of



‘ of the American franchises—and the humble pe-  
 ‘ tition to the King for the redress of grievances.  
 ‘ They saw the American appeal to the King of  
 ‘ kings, and a second humble petition to the  
 ‘ British Monarch—alas! as unavailing as the  
 ‘ first. They have also seen the establishment of  
 ‘ an American naval force—a treasury and gene-  
 ‘ ral post-office—and the laying on a continental  
 ‘ embargo. In short, they have seen permission  
 ‘ granted to colonies to erect forms of govern-  
 ‘ ment independent of, and in opposition to,  
 ‘ the regal authority.

‘ YOUR country saw all these proceedings, the  
 ‘ work of a body of which you were and are mem-  
 ‘ bers—Proceedings arising from dire necessity, and  
 ‘ not from choice—Proceedings that are the natu-  
 ‘ ral consequence of the present inauspicious reign  
 ‘ —Proceedings just in themselves, and which, not-  
 ‘ withstanding the late declarations of the corrupt  
 ‘ houses of parliament—the proclamation of the  
 ‘ court of St. James’s on the 23d of August—  
 ‘ and the subsequent royal speech in parliament—  
 ‘ are exactly as far distant from treason and rebel-  
 ‘ lion, as stands the glorious revolution which  
 ‘ deprived a tyrant of his kingdoms, and elevated  
 ‘ the house of Brunswick to royalty.

‘ WORTHY delegates! it is the judgment of  
 ‘ your country that your conduct, of which I  
 ‘ have just marked the grand lines, in the Ame-  
 ‘ rican Congress, is justifiable before God and  
 ‘ man,

‘ man, and that whatever may be the issue of  
 ‘ this unlooked for defensive civil war, in which  
 ‘ unfortunately, though gloriously, we are en-  
 ‘ gaged, whether independence or slavery, all the  
 ‘ blood and all the guilt must be imputed to Bri-  
 ‘ tish and not to American counsels. Hence your  
 ‘ constituents, sensible of the propriety of your  
 ‘ conduct, have constituted me their instrument,  
 ‘ as well to signify to you their approbation, as  
 ‘ to present to you their thanks. I do there-  
 ‘ fore most respectfully, in the name of the Con-  
 ‘ gress, present to you and each of you the thanks  
 ‘ of your country for your important services in  
 ‘ the American Congress at Philadelphia.’

IN this manner, without annihilating the forms of the ancient regal constitution, a new government was in a short time introduced by the consent of the grand body of the people.

THOUGH this new establishment was effected by the voice of a great majority—great in number, and in weight and influence greater still; yet, from the circulating of the association to be published, it was not wholly without opposition. Among the inhabitants of the back country several events, unfavourable to any revolution, had lately taken place. About the year 1770, the extreme difficulty of bringing criminals from the remote settlements to a legal condemnation had induced a number of men, who called themselves regulators, to take the law into their hands. They, by their



their own authority, inflicted corporal punishment on sundry persons without any regular condemnation. To remedy abuses of this kind, lord Charles-Greville Montague, then governor of the province, advanced to the rank of colonel a man of low character, of the name of Scovil, and employed him to enforce regular law among these self-constituted regulators. In execution of his commission he adopted severe measures, which involved multitudes in great distress. These unfortunate misled regulators, having suffered for opposing regular government, could not be persuaded to co-operate with their countrymen in the support of congresses and committees. They conceived these new bodies to be similar to their own regulating assemblies.

IN the same part of the country was a considerable number of Dutch inhabitants, who had settled on lands granted by the bounty of government. These people had brought from Europe the monarchical ideas of their holding their possessions at the King's pleasure. They were therefore easily made to believe, that the immediate loss of their freeholds would be the probable consequence of their acceding to the American measures. After the peace of Paris 1763, grants of land, five pounds sterling bounty, an exemption from taxes for ten years, and payment of their passages, were offered to induce foreign protestants to exchange their native country for a settlement in South-Carolina. The Irish, who accepted these offers, were generally

rally royalists. They conceived that they owed all these indulgences to the bounty of the King, and therefore took part with his friends. The people of the same nation, who had migrated from the northern provinces, generally entered with zeal into the new measures.

AMONG a people who had so many reasons to love and fear their King, and who were happy under his government, it was no difficult matter for lord William Campbell to gain votaries to support the royal interest.

HIS lordship was unremitting in his endeavours to persuade these uninformed back-settlers, that the power of Britain could never be effectually resisted by the feeble American colonies—That the whole dispute was about a trifling tax on tea, which, as they were not in the habit of using it, could not to them be interesting. It was frequently insinuated that the gentlemen on the sea coast, in order to obtain their tea free from tax, were adopting measures which would involve the back country in the want of salt, ofsnaburgs and imported necessaries ; and that the expences of the new raised regiments would be infinitely more than the trifling taxes imposed by the British parliament.

THE violence of some over-zealous friends, who insisted on their neighbours signing the association, and who would not bear with the scrup-

ples and objections of their doubting brethren, produced in several a determined spirit of opposition.

AT an election for representatives in the first popular assemblies, Moses Kirkland was an unsuccessful candidate. In great wrath he exclaimed, ‘ If this dispute becomes serious, the ‘ people of South-Carolina shall feel the weight ‘ of my influence.’ When the officers for the provincial regiments were appointed, Congress, willing to gain him to their interest, gave him the rank of captain; but he was disgusted that his neighbour and rival was promoted to the higher rank of major. At first he accepted his commission, and enlisted men; but he very soon resigned it, and, to the utmost of his power, encouraged opposition to the measures of Congress.

THE people generally felt themselves secure in their persons and property. It was therefore easy to offer arguments against renouncing present comforts, to ward off future evils. The popular leaders could not urge the inhabitants to the dangers and expences of war, otherwise than on speculation, to prevent the more alarming consequences which would probably take place at a future time, if the proceedings of the British parliament, against Boston and the province of Massachusetts, were suffered to pass into precedent. Distant evils weigh so little in the estimation of the multitude, that great scope was given to those  
who

who wished to head a party for submitting to the demands of Great-Britain.

THOUGH there were some royalists in every part of the province, the only settlement in which they out-numbered the friends of Congress, was in the country between the Broad and Saluda rivers. When it was determined to raise troops, the inhabitants of that part of the province could not be persuaded that the measure was necessary. Feeling themselves happy and free from present oppression, they were averse from believing that any designs, inimical to American liberty, had been adopted by the British government. Instead of signing the association, they signed papers at their general musters, declaring their unwillingness to concur in the measures recommended by Congress. The council of safety sent the hon. William-Henry Drayton, and the rev. William Tennent, into their settlement, to explain to them the nature of the dispute, and to bring them over to a co-operation with the other inhabitants. They had several publick meetings, and much eloquence was exerted to induce them to sign the association. Some were convinced and subscribed a bond of union; but the greater number could not be persuaded that there was any necessity for congresses, committees, or a military establishment. Suspicion, that bane of society, began to exert her mischievous influence. The friends of the old government doubted the authenticity of all pamphlets and newspapers, which ascribed to the British

British troops in Boston, or to the British government, any designs injurious to the rights of the colonists. They believed the whole to be an imposition by artful men, who wished to excite storms, that they might shew their skill in pilotage. The friends of Congress suspected the leading men of the royalists to be in the pay of governor Campbell. Reports were circulated by one party, that a plan was laid to seize the commissioners sent by the council of safety; by the other, that the third provincial regiment was brought up to compel the inhabitants to sign the association. Motives and designs were reciprocally attributed to each other of the most ungenerous nature and mischievous tendency. The royalists embodied for reasons similar to those which had induced the other inhabitants to arm themselves against Great-Britain. They suspected their adversaries of an intention to dragoon them into a compliance with the measures of Congress; and they, in their turn, were suspected of a design to commence hostilities against the associators for disturbing the established royal government. Camps were formed in opposition to each other, and great pains were taken to increase their respective numbers. Moderate men employed their good offices to prevent bloodshed. After some days, the leaders on both sides met in conference. Several explications having taken place,<sup>k</sup> a treaty was reciprocally agreed to, by which it was stipulated, that 'the royalists should remain in a state of neutrality.'<sup>l</sup> Both parties retired to their homes;

<sup>k</sup> See note x. <sup>l</sup> See note xi.



homes, and a temporary calm succeeded. Mr. Robert Cunningham, who had been a principal leader among the royalists, continued to encourage opposition to the popular measures, and declared that he did not consider himself as bound by the treaty. Suspicion again began to spread her poison. This declaration was construed as an evidence of a fixed intention to disturb the peace, by another insurrection. To prevent his attempting any thing of that kind, he was apprehended, brought to town, and committed to gaol. Patrick Cunningham instantly armed a party of his friends, and pursued, with the expectation of rescuing his brother. The party collected on this occasion seized a thousand pounds of powder, which was at that juncture passing through their settlement. This was publick property, and had been sent by the council of safety as a present to the Cherokee Indians. To inflame the minds of the people, some designing men among the royalists propagated a report, that the powder was sent to the Indians, accompanied with instructions to them, to kill every man who should refuse to sign the association. This charge, entirely false in itself, was not believed by any of the well-informed inhabitants; nevertheless it answered the purposes of party among some of the ignorant multitude. It was confidently asserted that some private marks had been agreed on by the popular leaders and Indian chiefs, to distinguish the associators from the non-associators; the former of whom were to be spared, and the latter sacrificed. Great pains were also taken  
to

to exasperate the inhabitants against the council of safety, for furnishing the Indians with powder at a time when the white people could not be supplied with that necessary article.

MAJOR Williamson, who commanded the militia in favour of Congress, went in quest of the party which had taken the publick powder, but was soon obliged to retreat before their superior numbers. The royalists, irritated by the capture of Cunningham, and flushed with success in seizing the powder, were at this time more numerous than at any other period. Major Williamson was reduced to the necessity of retreating into a stockade fort, in which he and his party were confined without any water, till, after three days, by digging they obtained a scanty supply. The royalists possessed themselves of the gaol at Ninety-Six, and from that station fired into the fort. Monsieur St. Pierre, an ingenious French gentleman who had settled there some years before, and had made considerable progress in the cultivation of vineyards, was killed by the fire of the royalists, and some others were wounded; but on the whole, very little execution was done. After some days the assailants hoisted a flag, and proposed a truce. Reciprocal permission was given to forward expresses from the royalists to the governor, and from major Williamson to the council of safety. Both parties once more dispersed, and retired to their homes.

DOMESTICK division at this time was particularly to be dreaded. An invasion from Great-Britain was soon expected. A British fleet and army in front, and disaffected inhabitants in rear, threatened destruction to the friends of Congress. Lord William Campbell had uniformly recommended to the royalists to remain quiet till the arrival of a British force. This advice, so well calculated to distract the views of the popular leaders, had been providentially frustrated. Similar reasons of policy to those which induced the royal governor to recommend inaction to the royalists, operated with the council of safety to crush their intestine foes before that force should arrive. Their late insurrection, in violation of the treaty of Ninety-Six, gave ground to doubt of the sincerity of their engagements to continue in a state of neutrality. From their past conduct it was feared, that, as soon as a proper opportunity should offer itself, they would throw their weight into the royal scale. It was therefore judged necessary, for the publick safety, to march an army into their settlements before that event should take place. To remove prejudices, the following declaration was circulated throughout their settlements.

## ‘ S O U T H - C A R O L I N A .

‘ B Y A U T H O R I T Y O F C O N G R E S S .

‘ I T has ever been the policy of America in general, and of this colony in particular, to endeavour  
 ‘ your

‘ your to cultivate a good correspondence with the  
 ‘ neighbouring Indians, and especially so since the  
 ‘ commencement of the present unhappy disputes  
 ‘ with the British administration. This policy ori-  
 ‘ ginated from a view of preserving, at the cheapest  
 ‘ rate, our borders from savage inroads. Of late  
 ‘ this policy has been persevered in, and our en-  
 ‘ deavours have been redoubled, in order to op-  
 ‘ pose and to frustrate the design of the British ad-  
 ‘ ministration, by the hands of Indians, to deluge  
 ‘ our frontiers with the blood of our fellow-citi-  
 ‘ zens. Experience has taught us that occasional  
 ‘ presents to the Indians have been the great  
 ‘ means of acquiring their friendship. In this ne-  
 ‘ cessary service government every year expended  
 ‘ large sums of money. The late council of safety  
 ‘ spared no pains to confirm them in their pacifick  
 ‘ inclination; but, from repeated, constant and uni-  
 ‘ form accounts, it clearly appeared that a general  
 ‘ Indian war was inevitable, unless the Indians  
 ‘ were furnished with some small supplies of am-  
 ‘ munition, to enable them to procure deer-skins  
 ‘ for their support and maintenance. Rather than  
 ‘ draw on an Indian war, by an ill-timed frugality  
 ‘ in withholding ammunition, the late council, in  
 ‘ October, issued a supply of ammunition, consist-  
 ‘ ing of one thousand weight of powder, and two  
 ‘ thousand weight of lead, for the use of the Che-  
 ‘ rokees, as the only probable means of preserving  
 ‘ the frontiers from the inroads of the Indians.  
 ‘ The council the more readily agreed to this  
 ‘ measure, because, as they almost daily expected  
 ‘ that

‘ that the British arms would attack the colony in  
 ‘ front on the sea coast, they thought they would  
 ‘ be inexcusable if they did not, as much as in  
 ‘ them lay, remove every cause to apprehend an  
 ‘ attack at the same time from the Indians upon  
 ‘ the back settlements.

‘ BUT this measure, entered into by the coun-  
 ‘ cil upon principles of the soundest policy—of  
 ‘ christianity—breathing equal benevolence to the  
 ‘ associators and non-associators, and arising only  
 ‘ from necessity, unfortunately, has been by some  
 ‘ non-associators made an instrument for the most  
 ‘ diabolical purposes.

‘ THESE wicked men, to the astonishment of  
 ‘ common sense, have made many of their deluded  
 ‘ followers believe, that this ammunition was sent  
 ‘ to the Indians, with orders for them to fall upon  
 ‘ the non-associators, and, taking advantage from  
 ‘ the scarcity of ammunition among individuals,  
 ‘ arising from the necessity of filling the publick  
 ‘ magazines, they have invidiously represented  
 ‘ that this ammunition ought not to have been  
 ‘ sent to the Indians, while the inhabitants of the  
 ‘ colony, individually, are in a great measure de-  
 ‘ stitute of that article.

‘ WHEREFORE, in compassion to those who are  
 ‘ deluded by such representations, the Congress  
 ‘ have taken these things into their consideration,  
 ‘ and they desire their deceived fellow-colonists



‘ to reflect, that the story of the ammunition being  
 ‘ sent to the Indians, with orders for them to mas-  
 ‘ sacre the non-affociators, is absurd in its very  
 ‘ nature.

‘ FIRST, Because the whole tenor of the con-  
 ‘ duct of the council of safety demonstrates that  
 ‘ they were incapable of such inhumanity as a  
 ‘ body, and the character of each individual shields  
 ‘ him against a charge of so cruel a nature.

‘ SECOND, Because also, if men will but call  
 ‘ reason to their aid, they must plainly see, that,  
 ‘ if the Indians were let loose upon the frontiers,  
 ‘ they must indiscriminately massacre affociators  
 ‘ and non-affociators, since there is no mark to  
 ‘ distinguish either to the Indians. However, in  
 ‘ order to clear up all difficulties on this head, and  
 ‘ for the ease of the minds of our deceived friends,  
 ‘ the Congress in a body, and also individually,  
 ‘ declare, in the most solemn manner, before AL-  
 ‘ MIGHTY GOD, that they do not believe any  
 ‘ order was ever issued, or any idea was ever en-  
 ‘ tertained by the late council of safety, or any  
 ‘ member of it, or by any person under authority  
 ‘ of Congress, to cause the Indians to commence  
 ‘ hostilities upon the frontiers or any part thereof.  
 ‘ On the contrary, they do believe that they, and  
 ‘ each of them, have used every endeavour to in-  
 ‘ culcate in Indians, sentiments friendly to the in-  
 ‘ habitants without any distinction.

' It is greatly to be regretted, that our fellow-  
 ' colonists, individually, are not so well supplied  
 ' with ammunition as would be adequate to their  
 ' private convenience. But does not the unhappy  
 ' situation of publick affairs justify the filling the  
 ' publick magazines; thereby securing the wel-  
 ' fare and forming the defence of the state, at the  
 ' risk of the convenience or safety of individuals.  
 ' And if out of the publick stock a quantity of am-  
 ' munition is given to the Indians, which may be  
 ' sufficient to keep them quiet, by in some degree  
 ' supplying their urgent occasions, yet not suffici-  
 ' ent to enable them to make war; ought our  
 ' people, nay they cannot have any reasonable  
 ' ground to arraign the policy by which they are  
 ' and may be preserved from savage hostility, or  
 ' to complain that because the whole colony, the  
 ' publick and individuals, cannot be supplied with  
 ' ammunition, therefore a small quantity ought  
 ' not to be sent to the Indians. Men ought to re-  
 ' flect that this small quantity is given in order to  
 ' render it unnecessary to supply the publick indivi-  
 ' dually on the score of a defence against Indians.  
 ' Men should also reflect that, while the publick  
 ' magazines are well stored, supplies can be in-  
 ' stantly, plentifully and regularly poured upon  
 ' those parts where the publick service may require  
 ' them.

' COMMON sense and common honesty dictate,  
 ' that if there is a probability that, by a present of  
 ' a small quantity of ammunition, the Indians can  
 be

‘ be kept in peace, that present ought not to be  
 ‘ withheld, at the hazard of inducing an Indian-  
 ‘ war—involving the colony in immense expence  
 ‘ —breaking up whole settlements—and unneces-  
 ‘ sarily sacrificing a number of lives.

‘ Charleston, Nov. 19, 1775.’

THE provincial congress did not rest their cause on reasoning alone, but enforced their measures with an army sufficiently numerous to intimidate opposition. They sent a large body of militia and new raised regulars, under the command of colonels Richardson and Thomson. They were also joined by seven hundred militia of North-Carolina, commanded by colonels Polk and Rutherford, and two hundred and twenty regulars commanded by colonel Martin. In a little time Congress had an army of several thousand men under their direction, with instructions ‘ to apprehend the leaders  
 ‘ of the party which had seized the powder, and to  
 ‘ do all other things necessary to suppress the pre-  
 ‘ sent and prevent future insurrections.’ Colonel Richardson proceeded in the execution of these orders with great moderation and propriety. A demand was made that the persons who had seized the powder should be delivered up to the justice of their country. Assurances were publicly given that no injury should be done to inoffensive persons, who would remain quietly on their plantations. The leaders of the royalists found great difficulty in persuading their followers to embody. They were cut off from all communication with  
 governor

governor Campbell. Unconnected with their brethren in other parts, there was no union in their measures. They were 'a rope of sand' without order and subordination, and without that enthusiasm which inspired the friends of Congress. Their leaders were destitute of political knowledge and without military experience. The unanimity of the whigs, and the great numbers which, from all sides, invaded the settlements of the royalists, disheartened them from facing their adversaries in the field of battle. They saw resistance to be vain; and that the new government had much greater energy than they had supposed. The whigs acted by system, and in concert with their brethren in the adjacent states, and were directed by a council of safety composed of the greatest and wisest men in the province. They easily carried every point—seized the leaders of the royalists—and dispersed their followers. In effecting this business they did not lose a single man, and only one of their number, major Polk, was wounded. This decided superiority gave confidence to the popular leaders, and greatly strengthened their hands. The vanquished royalists retired to their plantations; but on all occasions discovered as much obstinacy in opposing their countrymen, as their countrymen did firmness in opposing Great-Britain. Several of them, and of others who were averse from fighting, retired over the mountains, where, remote from the noise and bustle of war, they enjoyed that independence for which so many were contending. In the year 1778,

when

when every inhabitant was called on to take an oath of allegiance to the state, many of them voluntarily abandoned their country for the barren sands of East-Florida. In the same year, when the alliance between France and the United States of America was published, others of them nominally joined the Congress. Mr. Robert Cunningham and two or three more of their leading men, were elected members of the legislature. After the reduction of Savannah, a considerable party rose a second time in favour of royal government; but they were completely routed on their way to the British encampments in Georgia. They afterwards remained quiet till the British obtained possession of Charleston.

EXCEPTING these ill-concerted insurrections; no publick body in the province, prior to the British conquests in the year 1780, gave avowed evidence of their disapprobation of the popular measures. Several in private, no doubt, complained; but they contented themselves with secret murmurings. The number of slaves within the province, and of Indians on its western frontier, together with the large extent of unprotected sea-coast, were, in the opinion of some worthy men, insuperable obstacles to success in contending with Great-Britain. Several, influenced by reasoning of this sort, would rather have tamely submitted to the encroachments of the mother-country than risked the vengeance of her arms.



THE selfish among the merchants and planters, whose gains were lessened by the cessation of trade, wished for the return of business ; but the main body of both classes most heartily concurred with the popular measures. A great majority of the people determined to sacrifice ease, pleasure and fortune, and to risk life itself, to obtain permanent security for American rights. They believed their liberties to be in danger. Roused with this apprehension, they were animated to the most self-denying exertions. Beside their superiority in numbers, there was an ardour and enthusiasm in the friends of Congress which was generally wanting in the advocates for royal government. The fiery warm spirits, for the most part, sided with the former ; but the latter were chiefly composed of the ignorant, the selfish, and the timid. Vigorous decisive measures characterized the popular party ; while their opposers either acted without system, or from timid counsels which were feebly executed.

No revolution was ever effected with greater unanimity, or with more order and regularity. The leading men in every part of the province, with very few exceptions, from the first moments of the contest, exerted themselves in the cause of their country. Their abilities and influence gave union and system to the proceedings of the people. A few persons in the colony hated republican governments, and some ignorant people in the back country were induced to believe that the whole  
was

was an artful deception, imposed upon them for interested purposes, by the gentlemen of fortune and ambition on the sea coast. But among the independent enlightened freemen of the province, who loved liberty, and had spirit to risk life and fortune in its support, there were very few to be found who took part with the royalists.

## CHAPTER

## CHAPTER FOURTH.

*Of the formation of a regular constitution.*

**T**ILL the year 1776, the opposition to Great-Britain was conducted on such temporary principles, that the repeal of a few acts of parliament would have immediately produced a reinstatement of British government—a dissolution of the American army—and a recommencement of the mercantile intercourse between the two countries. The refusal of Great-Britain to redress the grievances of the colonies, suggested to some bold spirits early in 1776, the necessity of going much greater lengths than was originally intended.

A FEW penetrating minds foresaw that the love of dominion in the parent state, and the unconquerable love of liberty in America, would forever obstruct a cordial reconciliation; but the bulk of the people still flattered themselves with the fond hopes of a re-union.

PUBLICK affairs were in confusion for want of a regular constitution. The impropriety of holding courts of justice under the authority of a sovereign against whom all the colony was in arms, struck every thinking person. The impossibility of governing a large community by the ties of honour, without the authority of law, was equally apparent. But notwithstanding the pressing weight of all these considerations, the formation of an independent

dependent constitution had so much the appearance of an eternal separation from a country, by a reconciliation with which many yet hoped for a return of ancient happiness, that a great part of the provincial Congress opposed the necessary measure. At the very time when they were suspended on this important debate, an express arrived from Savannah, with an act of parliament, passed December 21, 1775, confiscating American property, and throwing all the colonists out of his Majesty's protection.<sup>m</sup> This turned the scale—silenced all the moderate men who were advocates for a reconciliation—and produced a majority for an independent constitution. In less than an hour after that act was read in the provincial Congress, an order was issued to seize, for the publick, the *Port-Henderson*, a Jamaica vessel, loaded with sugar, which had put into Charleston, on her way to London, though she had the day before obtained leave to pass the forts, and would have sailed the same afternoon on her intended voyage.

PREVIOUS to this Governor Tonyn, of East-Florida, had commissioned a privateer to plunder the unarmed inhabitants of Georgia and Carolina, and the royal servants had repeatedly seized private property. The Carolinians, still partial to Great-Britain, considered these proceedings as the rash acts of individuals; but a law of the national parliament, which had thrown them out of his Majesty's protection, convinced the most lukewarm, that

<sup>m</sup> See note XII.

that America, legally discharged from her allegiance to the King of Great-Britain, must now take care of herself.

So strong was the attachment of many to Great-Britain, which they fondly called the mother-country, that though they assented to the establishment of an independent constitution, yet it was carried, after a long debate, that it was only to exist 'till 'a reconciliation between Great-Britain and the 'colonies should take place.' The friends of reconciliation believed that it was the dictate of sound policy, and in no respect incompatible with the true honour and dignity of the parent-state, to redress the grievances of the American colonies. The great body of the people would have rejoiced at such an event, and would with cheerfulness have returned to the class of peaceable citizens in the ancient line of subordination. They therefore only framed a temporary constitution, consisting of three branches, on the model of the British government. This was nothing more than reducing into form and order, their system of government by congresses and committees, and could have been relinquished, in case of a reconciliation with Great-Britain, as easily as the late undefined mode of conducting publick business. The determinations of the provincial Congress on this occasion were introduced with the following preamble :

' WHEREAS the British parliament, claiming  
' of late years a right to bind the North-Ameri-  
' can



‘ can colonies by law, in all cases whatsoever, have  
 ‘ enacted statutes for raising a revenue in those  
 ‘ colonies, and disposing of such revenue as they  
 ‘ thought proper, without the consent, and against  
 ‘ the will of the colonists. And whereas, it ap-  
 ‘ pearing to them, that (they not being represented  
 ‘ in parliament) such claim was altogether uncon-  
 ‘ stitutional ; and, if admitted, would at once re-  
 ‘ duce them from the rank of freemen to a state  
 ‘ of the most abject slavery ; the said colonies,  
 ‘ therefore, severally remonstrated against the pass-  
 ‘ ing, and petitioned for the repeal of those acts—  
 ‘ but in vain. And whereas the said claim being  
 ‘ persisted in, other unconstitutional and oppres-  
 ‘ sive statutes have been since enacted, by which  
 ‘ the powers of the admiralty-courts in the colo-  
 ‘ nies are extended beyond their ancient limits,  
 ‘ and jurisdiction is given to such courts in cases  
 ‘ similar to those which in Great-Britain are triable  
 ‘ by jury—persons are liable to be sent to, and  
 ‘ tried in, Great-Britain, for an offence created  
 ‘ and made capital by one of those statutes, though  
 ‘ committed in the colonies—the harbour of Bos-  
 ‘ ton was blocked up—people indicted for mur-  
 ‘ der in the Massachusetts-Bay, may, at the will of  
 ‘ the governor, be sent for trial to any other co-  
 ‘ lony, or even to Great-Britain—the chartered  
 ‘ constitution of government in that colony is ma-  
 ‘ terially altered—the English laws and a free go-  
 ‘ vernment, to which the inhabitants of Quebec  
 ‘ were entitled by the King’s royal proclamation,  
 ‘ are abolished ; and French laws are restored ;  
 ‘ the

‘ the Roman Catholick religion (although before  
 ‘ tolerated and freely exercised there) and an ab-  
 ‘ solute government, are established in that pro-  
 ‘ vince, and its limits extended through a vast  
 ‘ tract of country, so as to border on the free pro-  
 ‘ testant English settlements, with design of using  
 ‘ a whole people, differing in religious principles  
 ‘ from the neighbouring colonies, and subject to  
 ‘ arbitrary power, as fit instruments to over-awe  
 ‘ and subdue the colonies. And whereas the de-  
 ‘ legates of all the colonies on this continent,  
 ‘ from Nova-Scotia to Georgia, assembled in a Ge-  
 ‘ neral Congress at Philadelphia, in the most duti-  
 ‘ ful manner, laid their complaints at the foot of  
 ‘ the throne, and humbly implored their sovereign,  
 ‘ that his royal authority and interposition might  
 ‘ be used for their relief from the grievances occa-  
 ‘ sioned by those statutes, and assured his Majesty;  
 ‘ that harmony between Great-Britain and Ame-  
 ‘ rica, ardently desired by the latter, would be  
 ‘ thereby immediately restored, and that the co-  
 ‘ lonists confided in the magnanimity and justice  
 ‘ of the King and parliament for redress of the  
 ‘ many other grievances under which they la-  
 ‘ boured. And whereas, these complaints being  
 ‘ wholly disregarded, statutes, still more cruel than  
 ‘ those above mentioned, have been enacted, pro-  
 ‘ hibiting the intercourse of the colonies with each  
 ‘ other, restricting their trade, and depriving many  
 ‘ thousands of people of the means of subsistence,  
 ‘ by restraining them from fishing on the American  
 ‘ coast. And whereas large fleets and armies  
 ‘ having

' having been sent to America, in order to enforce  
 ' the execution of those laws, and to compel an  
 ' absolute and implicit submission to the will of a  
 ' corrupt and despotick administration, and in con-  
 ' sequence thereof, hostilities having been com-  
 ' menced in the Massachusetts-Bay, by the troops  
 ' under command of general Gage, whereby a  
 ' number of peaceable, helpless, and unarmed  
 ' people, were wantonly robbed and murdered ;  
 ' and there being just reason to apprehend that  
 ' like hostilities would be committed in all the  
 ' other colonies, the colonists were therefore  
 ' driven to the necessity of taking up arms to repel  
 ' force by force, and to defend themselves and  
 ' their properties against lawless invasions and de-  
 ' predations.—Nevertheless the delegates of the  
 ' said colonies, assembled in another Congress at  
 ' Philadelphia, anxious to procure a reconciliation  
 ' with Great-Britain, upon just and constitutional  
 ' principles, supplicated his Majesty to direct some  
 ' mode by which the united applications of his  
 ' faithful colonists might be improved into a happy  
 ' and permanent reconciliation ; that in the mean  
 ' time measures might be taken for preventing the  
 ' further destruction of their lives ; and that such  
 ' statutes as immediately distressed any of the co-  
 ' lonists might be repealed. And whereas, instead  
 ' of obtaining that justice to which the colonists  
 ' were and are of right entitled, the unnatural civil  
 ' war, into which they were thus precipitated, and  
 ' are involved, hath been prosecuted with unre-  
 ' mitted violence ; and the governors and others  
 ' bearing

bearing the royal commission in the colonies, hav-  
 ing broken the most solemn promises and en-  
 gagements, and violated every obligation of ho-  
 nour, justice and humanity, have caused the  
 persons of divers good people to be seized and  
 imprisoned, and their properties to be forceably  
 taken and detained or destroyed, without any  
 crime or forfeiture—excited domestick insurrec-  
 tions—proclaimed freedom to servants and slaves  
 —enticed or stolen them from, and armed them  
 against their masters—instigated and encouraged  
 the Indian nations to war against the colonies—  
 dispensed with the law of the land, and substi-  
 tuted the law-martial in its stead—killed many  
 of the colonists—burned several towns, and  
 threatened to burn the rest; and daily endea-  
 vour, by a conduct which has sullied the British  
 arms, and would disgrace even savage nations,  
 to effect the ruin and destruction of the colonies.  
 And whereas a statute hath been lately passed,  
 whereby, under pretence that the said colonies  
 are in open rebellion, all trade and commerce  
 whatsoever with them is prohibited—vessels be-  
 longing to their inhabitants trading in, to or  
 from the said colonies, with the cargoes and ef-  
 fects on board such vessels, are made lawful prize,  
 and the masters and crews of such vessels are  
 subjected, by force, to act on board the King's  
 ships, against their country and dearest friends;  
 and all seizures and detention, or destruction of  
 the persons and properties of the colonists, which  
 have at any time been made, or committed, for  
 withstanding



‘ withstanding or suppressing the said pretended  
 ‘ rebellion, and which shall be made in pursuance  
 ‘ of the said act, or for the service of the publick,  
 ‘ are justified ; and persons suing for damages in  
 ‘ such cases are, on failing in their suits, subjected  
 ‘ to payment of very heavy expences. And where-  
 ‘ as large reinforcements of troops and ships have  
 ‘ been ordered, and are daily expected in Ame-  
 ‘ rica, for carrying on war against each of the  
 ‘ United Colonies, by the most vigorous exer-  
 ‘ tions. And whereas, in consequence of a plan  
 ‘ recommended by the governors, and which  
 ‘ seems to have been concerted between them and  
 ‘ their ministerial masters, to withdraw the usual  
 ‘ officers, and thereby loosen the bands of govern-  
 ‘ ment, and create anarchy and confusion in the  
 ‘ colonies, lord William Campbell, late governor,  
 ‘ on the 15th day of September last, dissolved the  
 ‘ general assembly of this colony, and no other  
 ‘ hath since been called, although by law the sit-  
 ‘ ting and holding of general assemblies cannot  
 ‘ be intermitted above six months ; and having  
 ‘ used his utmost efforts to destroy the lives, li-  
 ‘ berties and properties of the good people here,  
 ‘ whom, by the duty of his station, he was bound  
 ‘ to protect, withdrew himself from the colony,  
 ‘ and carried off the great seal and the royal in-  
 ‘ structions to governors. And whereas the judges  
 ‘ of the courts of law here have refused to exercise  
 ‘ their respective functions, so that it is become in-  
 ‘ dispensably necessary, that during the present  
 ‘ situation of American affairs, and until an ac-  
 ‘ commodation



‘ commodation of the unhappy differences be-  
 ‘ tween Great-Britain and America can be ob-  
 ‘ tained, (an event, which though traduced and  
 ‘ treated as rebels, we still earnestly desire) some  
 ‘ mode should be established by common consent,  
 ‘ and for the good of the people, the origin and  
 ‘ end of all government, for regulating the inter-  
 ‘ nal polity of this colony; the Congress, being  
 ‘ vested with powers competent for the purpose,  
 ‘ and having fully deliberated touching the pre-  
 ‘ mises, do therefore resolve—

THE most essential parts of this temporary con-  
 stitution are contained in the following resolu-  
 tions :

‘ I. THAT this Congress, being a full and free  
 ‘ representation of the people of this colony, shall  
 ‘ henceforth be deemed and called the General  
 ‘ Assembly of South-Carolina, and as such shall  
 ‘ continue until the 21st of October next, and no  
 ‘ longer.

‘ II. THAT the general assembly shall, out of  
 ‘ their own body, elect, by ballot, a legislative-  
 ‘ council, to consist of thirteen members, (seven  
 ‘ of whom shall be a quorum) and to continue for  
 ‘ the same time as the general assembly.

‘ III. THAT the general assembly, and legisla-  
 ‘ tive-council, shall jointly choose, by ballot, from  
 ‘ among themselves, or from the people at large,

‘ a president and commander in chief, and a vice-  
 ‘ president of the colony.

‘ V. THAT there be a privy-council, whereof  
 ‘ the vice-president of the colony shall of course  
 ‘ be a member and president of the privy-council,  
 ‘ and that six other members be chosen by ballot,  
 ‘ three by the general assembly, and three by the  
 ‘ legislative-council; provided always, that no of-  
 ‘ ficer of the army or navy, in the service of the  
 ‘ continent, or of this colony, shall be eligible.

‘ VII. THAT the legislative authority be vested  
 ‘ in the president and commander in chief, the  
 ‘ general assembly, and legislative-council.

‘ XI. THAT on the last Monday in October  
 ‘ next, and the day following, and on the same  
 ‘ days of every second year thereafter, members  
 ‘ of the general assembly shall be chosen, to meet  
 ‘ on the first Monday in December then next, and  
 ‘ continue for two years from the said last Monday  
 ‘ in October. The general assembly to consist of  
 ‘ the same number of members as this congress  
 ‘ does, each parish and district having the same  
 ‘ representation as at present. And the election  
 ‘ of the said members shall be conducted, as near  
 ‘ as may be, agreeably to the directions of the  
 ‘ election-act. The qualification of electors shall  
 ‘ be the same as required by law.

‘ XVI.

‘ XVI. THAT the vice-president of the colony,  
 ‘ and the privy-council, for the time being, shall  
 ‘ exercise the powers of a court of chancery. And  
 ‘ there shall be an ordinary, who shall exercise  
 ‘ the powers heretofore exercised by that officer  
 ‘ in this colony.

‘ XIX. THAT justices of the peace shall be no-  
 ‘ minated by the general assembly, and commisi-  
 ‘ oned by the president during pleasure.

‘ XX. THAT all other judicial officers shall be  
 ‘ chosen, by ballot, jointly by the general assem-  
 ‘ bly and legislative-council.

‘ XXI. THAT the sheriffs, qualified as by law  
 ‘ directed, shall be chosen in like manner by the  
 ‘ general assembly and legislative-council, and com-  
 ‘ missioned by the president for two years only.

‘ XXII. THE commissioners of the treasury,  
 ‘ the secretary of the colony, the register of mesne  
 ‘ conveyances, attorney-general, and powder-re-  
 ‘ ceiver, shall be chosen by the general assembly  
 ‘ and legislative-council jointly, by ballot, and  
 ‘ commissioned by the president during good be-  
 ‘ haviour; but shall be removed on the address of  
 ‘ the general assembly and legislative-council.

‘ XXIII. THAT all field-officers in the army,  
 ‘ and all captains in the navy, shall be, by the ge-  
 ‘ neral assembly and legislative-council, chosen  
 ‘ jointly

‘ jointly, by ballot, and commissioned by the president; and that all other officers in the army and navy shall be commissioned by the president and commander in chief.

‘ XXVI. THAT the president shall have no power to make war or peace, or enter into any final treaty, without the consent of the general assembly and the legislative-council.

‘ XXVIII. THAT the resolutions of the continental Congress, now in force in this colony, shall so continue until altered or revoked by them.

‘ XXIX. THAT the resolutions of this or any former congress of this colony, and all laws now of force here, and not hereby altered, shall so continue until altered or repealed by the legislature of this colony, unless where they are temporary, in which case they shall expire at the times respectively limited for their duration.

‘ XXX. THAT the executive authority be vested in the president, limited and restrained as aforesaid.’

IN consequence of this temporary constitution the following appointments took place.

The

The honourable

Charles Pinckney,  
 Henry Middleton,  
 Richard Richardson,  
 Rawlins Lowndes,  
 Le-Roy Hammond,  
 David Olyphant,  
 Thomas Ferguson,  
 Stephen Bull,  
 George-Gabriel Powell,  
 Thomas Bee,  
 Joseph Kershaw,  
 Thomas Shubrick,  
 William Moultrie,

Members of  
 the legislative-  
 council.

HIS excellency John Rutledge, esq. president.  
 His honour Henry Laurens, esq. vice-president.

Hon. William-Henry Drayton, esq. chief-justice.

Hon. Thomas Bee, John Mathews and Henry  
 Pendleton, esqrs. assistant judges.

Alexander Moultrie, esq. attorney-general.

John Huger, esq. secretary.

William Burrows, esq. ordinary.

Hugh Rutledge, esq. judge of the admiralty.

George Sheed, esq. register of mesne conveyances.

Hon.

James Parsons,  
 William-Henry Drayton,  
 John Edwards,  
 Charles Pinckney,  
 Thomas Ferguson,  
 Rawlins Lowndes,

Members of  
 the privy-  
 council.



THE honourable John Rutledge, esq. being present as a member of the provincial congress when he was elected president and commander in chief of the colony, addressed himself to his former colleagues in words to the following effect :

‘ GENTLEMEN,

‘ THE very great, unsolicited and unexpected  
 ‘ honour, which you have been pleased to confer  
 ‘ on me, has overwhelmed me with gratitude  
 ‘ and concern.—Permit me to return you my  
 ‘ most sincere thanks, for so distinguishing and  
 ‘ unmerited a mark of your confidence and  
 ‘ esteem: I have the deepest sense of this honour  
 ‘ —The being called, by the free suffrages of a  
 ‘ brave and generous people, to preside over their  
 ‘ welfare, is, in my opinion, the highest any man  
 ‘ can receive : But, dreading the weighty and ar-  
 ‘ duous duties of this station, I really wish that  
 ‘ your choice had fallen upon one, better qualified  
 ‘ to discharge them; for though in zeal and in-  
 ‘ tegrity I will yield to no man, in abilities to  
 ‘ serve you I know my inferiority to many : Since  
 ‘ however, this, gentlemen, is your pleasure, al-  
 ‘ though I foresee that by submitting to it I shall  
 ‘ be ranked by our enemies amongst ambitious  
 ‘ and designing men, by whom, they say, the  
 ‘ people have been deceived and misled; yet, as  
 ‘ I have always thought every man’s best ser-  
 ‘ vices due to his country, no fear of slander, or  
 ‘ of difficulty or danger, shall deter me from yield-  
 ‘ ing mine—In so perilous a season as the present,

‘ I will not withhold them ; but, in her cause,  
 ‘ every moment of my time shall be employed :  
 ‘ Happy, indeed, shall I be, if those services answer  
 ‘ your expectations, or my own wishes—On the  
 ‘ candour of my worthy countrymen I rely to  
 ‘ put the most favourable construction, as they  
 ‘ hitherto have done, upon my actions—I assure  
 ‘ myself of receiving, in the faithful discharge of  
 ‘ my duty, the support and assistance of every  
 ‘ good man in the colony ; and my most fervent  
 ‘ prayer, to the omnipotent ruler of the universe,  
 ‘ is, that, under his gracious providence, the li-  
 ‘ berties of America may be for-ever preserved.’

IMMEDIATELY after his election, the president,  
 in the presence of both houses, took the following  
 oath : ‘ I, John Rutledge, do solemnly promise and  
 ‘ swear, upon the Holy Evangelists of Almighty  
 ‘ GOD, that I will preside over the people of this  
 ‘ colony, according to the constitution or form of  
 ‘ government agreed to and resolved upon by the  
 ‘ representatives of South-Carolina, on the 26th  
 ‘ of March, 1776 ; that I will cause law and justice,  
 ‘ in mercy, to be executed, and to the utmost of  
 ‘ my power maintain and defend the laws of  
 ‘ GOD, the protestant religion, and the liberties  
 ‘ of America.’

IN a few days after the legislative-council and  
 general assembly addressed their president in the  
 following words :

‘ WE, the legislative-council and general assembly of South-Carolina, convened under the authority of the equitable constitution of government established by a free people in Congress, on the 26th ult. beg leave, most respectfully, to address your excellency.

‘ NOTHING is better known to your excellency, than the unavoidable necessity which induced us as members of Congress on the part of the people to resume the powers of government, and to establish some mode for regulating the internal polity of this colony ; and, as members of the legislative-council and general assembly, to vest you, for a time limited, with the executive authority. Such constitutional proceedings on our part, we make no doubt, will be misconstrued into acts of the greatest criminality by that despotism, which, lost to all sense of justice, and humanity, has already pretended that we are in actual rebellion. But, sir, when we reflect upon the unprovoked, cruel and accumulated oppressions under which America in general, and this country in particular, has long continued ; oppressions which, gradually increasing in injustice and violence, are now by the inexorable tyranny perpetrated against the United Colonies, under the various forms of robbery, conflagration, massacre, breach of publick faith, and open war—Conscious of our natural and unalienable rights, and determined to make every effort in our power to retain them, we see

‘ your

‘ your excellency’s elevation, from the midst of  
 ‘ us, to govern this country, as the natural con-  
 ‘ sequence of such outrages.

‘ By the suffrages of a free people you, Sir,  
 ‘ have been chosen to hold the reins of govern-  
 ‘ ment—an event as honourable to yourself, as  
 ‘ beneficial to the publick. We firmly trust  
 ‘ you will make the constitution the great rule of  
 ‘ your conduct; and, in the most solemn man-  
 ‘ ner, we do assure your excellency, that, in the  
 ‘ discharge of your duties under that constitution  
 ‘ which looks forward to an accommodation with  
 ‘ Great-Britain, (an event which, though traduced  
 ‘ and treated as rebels, we still earnestly desire)  
 ‘ we will support you with our lives and fortunes.’

By the president’s oath, and this address, the much talked of social compact was realized. A variety of new obligations were created. The chief magistrate and the people had each their respective stations assigned them.

FROM this time forward the publick business was conducted agreeably to the fixed rules of the temporary constitution. Instead of resolutions of the congresses and committees, bills were brought in and debated both in the assembly and legislative-council, deliberating apart and uninfluenced by each other. On their being agreed to by both houses, they were presented to the president for his assent. When duly enacted by the three  
 O branches

branches of legislature, they were carried into execution by the president and privy-council. An act of assembly was passed in this session, for ‘pre-  
 ‘venting sedition, and punishing insurgents and  
 ‘disturbers of the publick peace.’

By this law treason and rebellion assumed a new form, and the penalties of these crimes were legally denounced against the aiders and abettors of British government.

AFTER passing a few necessary laws, the representatives of the people closed their session on the 11th of April, 1776. On this occasion his excellency president Rutledge addressed both houses in the following words :

‘Honourable gentlemen of the legislative-coun-  
 ‘cil, Mr. Speaker, and gentlemen of the general  
 ‘assembly,

‘It has afforded me much satisfaction to ob-  
 ‘serve, that, though the season of the year rendered  
 ‘your sitting very inconvenient, your private  
 ‘concerns, which must have suffered greatly by  
 ‘your long and close application in the late con-  
 ‘gress to the affairs of this colony, requiring your  
 ‘presence in the country ; yet, continuing to  
 ‘prefer the publick weal to ease and retirement,  
 ‘you have been busily engaged in framing such  
 ‘laws as our peculiar circumstances rendered ab-  
 ‘solutely necessary to be passed, before your ad-  
 ‘jourment.—



‘ journeyment.—Having given my assent to them, I  
 ‘ presume you are now desirous of a recess.

‘ ON my part, a most solemn oath has been  
 ‘ taken, for the faithful discharge of my duty—  
 ‘ On yours, a solemn assurance has been given,  
 ‘ to support me therein.—Thus, a publick com-  
 ‘ pact between us stands recorded —You may rest  
 ‘ assured, that I shall keep this oath ever in mind  
 ‘ —the constitution shall be the invariable rule of  
 ‘ my conduct—my ears shall be always open to  
 ‘ the complaints of the injured—Justice, in mer-  
 ‘ cy, shall neither be denied or delayed—Our  
 ‘ laws and religion, and the liberties of America,  
 ‘ shall be maintained and defended to the utmost  
 ‘ of my power.—I repose the most perfect confi-  
 ‘ dence in your engagement.

‘ AND now, gentlemen, let me intreat that you  
 ‘ will, in your several parishes and districts, use  
 ‘ your influence and authority to keep peace and  
 ‘ good order, and procure strict observance of,  
 ‘ and ready obedience to, the law.—If any per-  
 ‘ sons therein are still strangers to the nature and  
 ‘ merits of the dispute between Great-Britain and  
 ‘ the colonies, you will explain it to them fully,  
 ‘ and teach them, if they are so unfortunate as  
 ‘ not to know, their inherent rights.—Prove to  
 ‘ them, that the privileges of being tried by a  
 ‘ jury of the vicinage, acquainted with the parties  
 ‘ and witnesses; of being taxed only with their  
 ‘ own consent, given by their representatives,  
 ‘ freely

' freely chosen by, and sharing the burden equal-  
 ' ly with, themselves, not for the aggrandizing &  
 ' rapacious minister, and his dependant favourites,  
 ' and for corrupting the people, and subverting  
 ' their liberties, but for such wise and salutary  
 ' purposes, as they themselves approve; and of  
 ' having their internal polity regulated, only by  
 ' laws consented to by competent judges of what  
 ' is best adapted to their situation and circum-  
 ' stances, equally bound too by those laws—are  
 ' inestimable, and derived from that constituti-  
 ' on, which is the birth-right of the poorest man,  
 ' and the best inheritance of the most wealthy.—  
 ' Relate to them the various unjust and cruel sta-  
 ' tutes which the British parliament, claiming a  
 ' right to make laws for binding the colonies in  
 ' all cases whatsoever, have enacted, and the  
 ' many sanguinary measures which have been,  
 ' and are daily pursued and threatened, to wrest  
 ' from them those invaluable benefits, and to en-  
 ' force such an unlimited and destructive claim.  
 ' To the most illiterate it must appear, that no  
 ' power on earth can, of right, deprive them of  
 ' the hardly-earned fruits of their honest industry,  
 ' toil and labour—even to them the impious at-  
 ' tempt to prevent many thousands from using  
 ' the means of subsistence, provided for man by  
 ' the bounty of his Creator, and to compel them,  
 ' by famine, to surrender their rights, will seem  
 ' to call for Divine vengeance.—The endeavours,  
 ' by deceit and bribery, to engage barbarous na-  
 ' tions to imbrue their hands in the innocent blood

‘ of

‘ of helpless women and children, and the at-  
 ‘ tempts, by fair but false promises, to make igno-  
 ‘ rant domesticks subservient to the most wicked  
 ‘ purposes, are acts at which humanity must re-  
 ‘ volt.

‘ SHEW your constituents, then, the indispen-  
 ‘ sable necessity which there was for establishing  
 ‘ some mode of government in this colony; the  
 ‘ benefits of that, which a full and free represen-  
 ‘ tation has established; and that the consent of  
 ‘ the people is the origin, and their happiness the  
 ‘ end of government.—Remove the apprehensions  
 ‘ with which honest and well-meaning, but weak  
 ‘ and credulous minds, may be alarmed; and  
 ‘ prevent ill impressions by artful and designing  
 ‘ enemies.—Let it be known, that this constitu-  
 ‘ tion is but temporary—till an accommodation  
 ‘ of the unhappy differences between Great-Bri-  
 ‘ tain and America can be obtained; and that  
 ‘ such an event is still desired, by men who yet  
 ‘ remember former friendships and intimate con-  
 ‘ nections, though, for defending their persons  
 ‘ and properties, they are stigmatized and treated  
 ‘ as rebels.

‘ TRUTH, being known, will prevail over artifice  
 ‘ and misrepresentation—Conviction must follow  
 ‘ its discovery.—In such a case, no man who is  
 ‘ worthy of life, liberty or property, will or can  
 ‘ refuse to join you in defending them to the last  
 ‘ extremity—disdaining every sordid view, and  
 ‘ the mean paltry considerations of private inte-  
 ‘ rest,

‘ rest, and present emolument, when placed in  
 ‘ competition with the liberties of millions ; and  
 ‘ seeing that there is no alternative, but absolute  
 ‘ unconditional submission, and the most abject  
 ‘ slavery, or a defence becoming men born to  
 ‘ freedom, he will not hesitate about the choice.  
 ‘ —Although superior force may, by the permis-  
 ‘ sion of Heaven, lay waste our towns, and ra-  
 ‘ vage our country, it can never eradicate, from  
 ‘ the breasts of freemen, those principles which  
 ‘ are ingrafted in their very nature—such men  
 ‘ will do their duty, neither knowing or regard-  
 ‘ ing consequences ; but submitting them with  
 ‘ humble confidence to the Omniscient and Om-  
 ‘ nipotent Arbiter and Director of the fate of  
 ‘ empires, and trusting that his Almighty Arm,  
 ‘ which has been so signally stretched out for  
 ‘ our defence, will deliver them in a righteous  
 ‘ cause.

‘ THE eyes of Europe, nay of the whole world,  
 ‘ are on America.—The eyes of every other co-  
 ‘ lony are on this—a colony, whose reputation  
 ‘ for generosity and magnanimity, is universally  
 ‘ acknowledged. I trust, therefore, it will not  
 ‘ be diminished by our future conduct ; that there  
 ‘ will be no civil discord here ; and that the only  
 ‘ strife amongst brethren will be, who shall do  
 ‘ most to serve and to save an oppressed and in-  
 ‘ jured country.’

THE courts of justice, which had been shut  
 for

for twelve months, were, with great solemnity, opened on the 23d of April, 1776, under the sanction of this temporary constitution. On that occasion the honourable William-Henry Drayton, esquire, chief-justice, under the appointment of the provincial Congress, gave the following charge to the grand-jury :

‘ GENTLEMEN OF THE GRAND-JURY,

‘ WHEN by evil machinations, tending to no-  
 ‘ thing less than absolute tyranny, trials by jury  
 ‘ have been discontinued ; and juries in discharge  
 ‘ of their duty have assembled, and as soon as met  
 ‘ silently and arbitrarily dismissed without be-  
 ‘ ing impannelled, whereby, in contempt of Mag-  
 ‘ na Charta, justice has been delayed and denied :  
 ‘ it cannot but afford to every good citizen, the  
 ‘ most sincere satisfaction, once more to see juries,  
 ‘ as they now are, legally impannelled, to the end  
 ‘ that the laws may be duly administered.—I do  
 ‘ most heartily congratulate you upon so impor-  
 ‘ tant an event.

‘ IN this court, where silence has but too long  
 ‘ presided, with a direct purpose to loosen the  
 ‘ bands of government, that this country might  
 ‘ be involved in anarchy and confusion ; you are  
 ‘ now met to regulate your verdicts, under a new  
 ‘ constitution of government, independent of royal  
 ‘ authority—a constitution which arose according  
 ‘ to the great law of nature and of nations ; and  
 ‘ which



‘ which was established in the late Congress on  
 ‘ the 26th day of March last—A day that will  
 ‘ be ever memorable in this country—a month,  
 ‘ remarkable in our history, for having given birth  
 ‘ to the original constitution of our government in  
 ‘ the year 1669 ; for being the æra of the Ame-  
 ‘ rican calamities by the stamp-act in the year  
 ‘ 1765 ; for being the date of the repeal of that  
 ‘ act in the following year.—But I proceed to lay  
 ‘ before you, the principal causes leading to the  
 ‘ late revolution of our government—the law  
 ‘ upon the point—and the benefits resulting from  
 ‘ that happy and necessary establishment.—The  
 ‘ importance of the transaction deserves such a  
 ‘ state—the occasion demands,—and our future  
 ‘ welfare requires it : to do this may take up some  
 ‘ little time ; but the subject is of the highest  
 ‘ moment ; and worthy of your particular atten-  
 ‘ tion : I will therefore confine my discourse to  
 ‘ that great point ; and after charging you to at-  
 ‘ tend to the due observance of the jury-law, and  
 ‘ the patrol and negro acts, forbearing to mention  
 ‘ the other common duties of a grand-jury, I will  
 ‘ expound to you, THE CONSTITUTION OF YOUR  
 ‘ COUNTRY.

‘ THE house of Brunswick was yet scarcely  
 ‘ settled in the British throne, to which it had been  
 ‘ called by a free people, when in the year 1719,  
 ‘ our ancestors in this country, finding that the  
 ‘ government of the lords proprietors operated  
 ‘ to their ruin, exercised the rights transmitted  
 ‘ to

‘ to them by their forefathers of England ; and  
 ‘ casting off the proprietary authority, called upon  
 ‘ the house of Brunswick to rule over them—a  
 ‘ house elevated to royal dominion, for no other  
 ‘ purpose than to preserve to a people their una-  
 ‘ lienable rights. The King accepted the invita-  
 ‘ tion ; and thereby indisputably admitted the  
 ‘ legality of that revolution. And in so doing,  
 ‘ by his own act, he vested in those our forefa-  
 ‘ thers, and in us their posterity, a clear right to  
 ‘ effect another revolution, if ever the govern-  
 ‘ ment of the house of Brunswick should operate  
 ‘ to the ruin of the people.—So the excellent  
 ‘ Roman Emperor Trajan, delivered a sword to  
 ‘ Saburanus his captain of the Prætorian guard,  
 ‘ with this admired sentence : “ Receive this  
 “ sword, and use it to defend me if I govern well,  
 “ but against me if I behave ill.”

‘ WITH joyful acclamations, our ancestors, by  
 ‘ act of assembly, passed on the 18th day of Au-  
 ‘ gust 1721, RECOGNIZED the British monarch :  
 ‘ the virtues of the second George are still revered  
 ‘ among us—HE was the father of his people :  
 ‘ and it was with extacy we saw his grandson  
 ‘ George the Third mount the throne possessed of  
 ‘ the hearts of his subjects.

‘ BUT alas ! Almost with the commencement  
 ‘ of his reign, his subjects felt causes to complain  
 ‘ of government. The reign advanced—the griev-  
 ‘ ances became more numerous and intolerable—

‘ the complaints more general and loud—the  
 ‘ whole empire resounded with the cries of in-  
 ‘ jured subjects ! At length, grievances being un-  
 ‘ redressed and ever encreasing ; all patience being  
 ‘ borne down ; all hope destroyed ; all confidence  
 ‘ in royal government blasted !—Behold ! the em-  
 ‘ pire is rent from pole to pole !—perhaps to con-  
 ‘ tinue afunder forever !

‘ THE catalogue of our oppressions, continen-  
 ‘ tal and local, is enormous. Of such oppressions,  
 ‘ I will mention only some of the most weighty.

‘ UNDER colour of law, the King and parlia-  
 ‘ ment of Great-Britain have made the most ar-  
 ‘ bitrary attempts to enslave America ;

‘ By claiming a right TO BIND THE COLO-  
 ‘ NIES, “ IN ALL CASES WHATSOEVER ;”

‘ By laying duties at their mere will and plea-  
 ‘ sure upon all the colonies ;

‘ By suspending the legislature of New-York ;

‘ By rendering the American charters of no  
 ‘ validity, having annulled the most material parts  
 ‘ of the charter of the Massachusetts-Bay ;

‘ By divesting multitudes of the colonists of  
 ‘ their property, without legal accusation or trial ;

‘ By depriving whole colonies of the bounty  
 ‘ of Providence on their own proper coasts ; in  
 ‘ order to coerce them by famine ;

‘ By restricting the trade and commerce of  
 ‘ America ;

‘ By sending to, and continuing in, America,  
 ‘ in

‘ in time of peace, an armed force, without, and  
 ‘ against, the consent of the people ;

‘ By granting impunity to a soldiery instigated  
 ‘ to murder the Americans ;

‘ By declaring, that the people of Massachu-  
 ‘ setts-Bay are liable for offences, or pretended  
 ‘ offences, done in that colony, to be sent to, and  
 ‘ tried for the same in ENGLAND ; or in any CO-  
 ‘ LONY WHERE they cannot have the benefit of  
 ‘ a jury of the vicinage ;

‘ By establishing in Quebec the Roman Catho-  
 ‘ lic religion, and an arbitrary government ; in-  
 ‘ stead of the Protestant religion and a free go-  
 ‘ vernment.

‘ THE proceedings which I have enumerated,  
 ‘ either immediately or in their evident conse-  
 ‘ quences, deeply affected all the colonies : ruin  
 ‘ stared them in the face. They united their  
 ‘ counsels, and laid their just complaints before the  
 ‘ throne, praying a redress of grievances. But,  
 ‘ to their astonishment, their dutiful petition for  
 ‘ peace and safety, was answered, only by an  
 ‘ actual commencement of war and military de-  
 ‘ struction !

‘ IN the mean-time, the British troops that had  
 ‘ been peaceably received by the devoted inhabi-  
 ‘ tants of Boston, as the troops of their sovereign  
 ‘ bound to protect them ! fortified that town, to  
 ‘ imprison the inhabitants, and to hold that capi-  
 ‘ tal against the people to whom it belonged !  
 ‘ And



‘ And the British rulers having determined to  
 ‘ appeal from reason and justice, to violence and  
 ‘ arms, a select body of those troops, being in  
 ‘ the night suddenly and privately marched from  
 ‘ Boston—at Lexington, on the 19th day of April  
 ‘ 1775, they, by surprize, drew the sword of ci-  
 ‘ vil war, and plunged it into the breasts of the  
 ‘ Americans! Against this horrid injustice, the  
 ‘ Almighty gave instant judgment: an handful of  
 ‘ country militia badly armed, suddenly collected,  
 ‘ and unconnectedly and irregularly brought up  
 ‘ to repel the attack, discomfited the regular  
 ‘ bands of the tyranny; they retreated, and night  
 ‘ saved them from total slaughter.

‘ THUS forced to take up arms in our own de-  
 ‘ fence, America yet again most dutifully petiti-  
 ‘ oned the King, that he would “ be pleased to  
 “ direct some mode, by which the united appli-  
 “ cations of his faithful colonists to the throne,  
 “ in presence of their common councils, might  
 “ be improved into a happy and permanent re-  
 “ conciliation; and that in the mean time, mea-  
 “ sures might be taken for preventing the further  
 “ destruction of the lives of his Majesty’s sub-  
 “ jects:”—but it was in vain!—The petition on  
 ‘ the part of millions, praying that the effusion  
 ‘ of blood might be STAYED, was not thought  
 ‘ worthy of an answer! The nefarious war conti-  
 ‘ nued. The ruins of Charleston, Falmouth and  
 ‘ Norfolk, towns not constructed for offence or  
 ‘ defence, mark the humane progress of the royal  
 ‘ arms:



‘ arms : so the ruins of Carthage, Corinth and  
 ‘ Numantium, proclaimed to the world that jus-  
 ‘ tice was expelled the Roman senate !—On the  
 ‘ other hand, the fortitude with which America  
 ‘ has endured these civil and military outrages ;  
 ‘ the union of her people, as astonishing as un-  
 ‘ precedented, when we consider their various  
 ‘ manners and religious tenets ; their distance  
 ‘ from each other ; their various and clashing lo-  
 ‘ cal interests ; their self-denial ; and their mira-  
 ‘ culous success in the prosecution of the war : I  
 ‘ say these things all demonstrate that the Lord of  
 ‘ Hosts is on our side ! So it is apparent, that the  
 ‘ Almighty Constructor of the universe, having  
 ‘ formed this continent of materials to compose  
 ‘ a state pre-eminent in the world, is now making  
 ‘ use of the tyranny of the British rulers, as an  
 ‘ instrument to fashion and arrange those materials  
 ‘ for the end, for which, in his Wisdom, he had  
 ‘ formed them.

‘ IN this enlightened age, humanity must be  
 ‘ particularly shocked at a recital of such vio-  
 ‘ lences ; and it is scarce to be believed, that the  
 ‘ British tyranny could entertain an idea of pro-  
 ‘ ceeding against America, by a train of more  
 ‘ dishonourable machinations. But, nothing less  
 ‘ than absolute proof has convinced us, that in  
 ‘ the carrying on the conspiracy against the rights  
 ‘ of humanity, the tyranny is capable of attempt-  
 ‘ ing to perpetrate whatever is infamous.

‘ FOR

‘ For the little purpose of disarming the impri-  
 ‘ soned inhabitants of Boston, the King’s general,  
 ‘ Gage, in the face of day, violated the publick  
 ‘ faith by himself plighted; and in concert with  
 ‘ other governors, and with John Stuart, he  
 ‘ made every attempt to instigate the savage na-  
 ‘ tions to war upon the southern colonies, indis-  
 ‘ criminate to massacre man, woman and child:  
 ‘ the governors in general have demonstrat-  
 ‘ ed, that truth is not in them; they have en-  
 ‘ veigled negroes from, and have armed them  
 ‘ against their masters; they have armed brother  
 ‘ against brother—son against father!—Oh Al-  
 ‘ mighty Director of the universe! What confi-  
 ‘ dence can be put in a government ruling by  
 ‘ such engines, and upon such principles of un-  
 ‘ natural destruction!—A government, that on  
 ‘ the 21st day of December last, made a law, ex  
 ‘ post facto, to justify what had been done, not  
 ‘ only without law, but in its nature unjust!—a  
 ‘ law to make prize of all vessels trading in, to,  
 ‘ or from the United Colonies—a law to make  
 ‘ slaves of the crews of such vessels, and to com-  
 ‘ pel them to bear arms against their conscience,  
 ‘ their fathers, their bleeding country!—The  
 ‘ world, so old as it is, heretofore had never  
 ‘ heard of so atrocious a procedure: it has no  
 ‘ parallel in the registers of tyranny.—But to  
 ‘ proceed,

‘ THE King’s judges in this country refused to  
 ‘ administer justice; and the late governor lord  
 ‘ William

‘ William Campbell, acting as the King’s repre-  
 ‘ sentative for him and on his behalf, having en-  
 ‘ deavoured to subvert the Constitution of this  
 ‘ country, by breaking the original contract be-  
 ‘ tween King and people, attacking the people by  
 ‘ force of arms; having violated the fundamental  
 ‘ laws; having carried off the great seal, and hav-  
 ‘ ing withdrawn himself out of this colony, he  
 ‘ abdicated the government.

‘ OPPRESSED by such a variety of enormous  
 ‘ injuries, continental and local, civil and milita-  
 ‘ tary; and by divers other arbitrary and illegal  
 ‘ courses; all done and perpetrated by the assent,  
 ‘ command or sufferance, of the King of Great-  
 ‘ Britain; the representatives of South-Carolina  
 ‘ in Congress assembled, found themselves under  
 ‘ an unavoidable necessity of establishing a form  
 ‘ of government, with powers legislative, execu-  
 ‘ tive and judicial, for the good of the people;  
 ‘ the origin and great end of all just government.  
 ‘ —For this only end, the house of Brunswick  
 ‘ was called to rule over us.—Oh! agonizing  
 ‘ reflection! that house ruled us with swords,  
 ‘ fire and bayonets! The British government ope-  
 ‘ rated only to our destruction. Nature cried  
 ‘ aloud, self-preservation is the great law—we  
 ‘ have but obeyed.

‘ IF I turn my thoughts to recollect in history,  
 ‘ a change of government upon more cogent rea-  
 ‘ sons; I say, I know of no change upon princi-  
 ‘ ples

‘ples so provoking—compelling—justifiable. And  
 ‘in these respects, even the famous revolution in  
 ‘England in the year 1688, is much inferior.—  
 ‘However, we need no better authority than  
 ‘that illustrious precedent; and I will therefore  
 ‘compare the causes of, and the law upon the  
 ‘two events.

‘ON the seventh of February 1688, the lords  
 ‘and commons of England, in convention, com-  
 ‘pleted the following resolution :

“RESOLVED, that King James the Second  
 “having endeavoured to subvert the constitution  
 “of the kingdom, by breaking the original con-  
 “tract between King and people; and, by the  
 “advice of Jesuits and other wicked persons,  
 “having violated the fundamental laws; and  
 “having withdrawn himself out of this king-  
 “dom; has abdicated the government, and that  
 “the throne is thereby vacant.”

‘THAT famous resolution deprived James of  
 ‘his crown; and became the foundation on which  
 ‘the throne of the present King of Great-Britain  
 ‘is built—it also supports the edifice of govern-  
 ‘ment which we have erected.

‘IN that resolve, there are but three facts stat-  
 ‘ed to have been done by James: I will point  
 ‘them out, and examine, whether those facts will  
 ‘apply to the present King of Great-Britain, with  
 ‘regard



‘ regard to the operations of government, by him  
 ‘ or his representative, immediately or by conse-  
 ‘ quence affecting this colony.

‘ THE first fact is, the having endeavoured to  
 ‘ subvert the constitution of the kingdom, by  
 ‘ breaking the original contract.

‘ THE violation of the fundamental laws is the  
 ‘ second fact ; and in support of these two charges,  
 ‘ the lords spiritual and temporal and commons,  
 ‘ assembled at Westminster on the 12th day of  
 ‘ February 1688, declared that James was guil-  
 ‘ ty ;

“ By assuming and exercising a power of dis-  
 “ pensing with, and suspending of laws, and the  
 “ execution of laws, without consent of parlia-  
 “ ment ;

“ By committing and prosecuting divers wor-  
 “ thy prelates, for humbly petitioning to be ex-  
 “ cused from concurring to the said assumed  
 “ power ;

“ By issuing and causing to be executed a com-  
 “ mission, under the great seal, for erecting a  
 “ court, called The Court of Commissioners for  
 “ Ecclesiastical Causes ;

“ By levying money for and to the use of the  
 “ crown, by pretence of prerogative, for other  
 “ time, and in other manner, than the same was  
 “ granted by parliament ;

“ By raising and keeping a standing army with-  
 “ in



“ in this kingdom in time of peace, without consent of parliament ; and quartering soldiers contrary to law ;

“ By causing several good subjects, being Protestants, to be disarmed, at the same time when Papists were both armed and employed contrary to law ;

“ By violating the freedom of election of members to serve in parliament ;

“ By prosecutions in the court of King’s bench, for matters and causes cognizable only in parliament ; and by divers other arbitrary and illegal courses.”

‘ THIS declaration, thus containing two points of criminality—breach of the original contract, and violation of fundamental laws—I am to distinguish one from the other.

‘ IN the first place then, it is laid down in the best law-authorities, that protection and subjection are reciprocal ; and that these reciprocal duties form the original contract between King and people. It therefore follows, that the original contract was broken by James’s conduct as above stated, which amounted to a not affording due protection to his people. And it is as clear that he violated the fundamental laws, by the suspending of laws, and the execution of laws ; by levying money ; by violating the freedom of election of members to serve in parliament ; by keeping a standing army in time of peace ;

‘ peace ; and by quartering soldiers contrary to  
 ‘ law, and without consent of parliament ; which  
 ‘ is as much as to say, that he did those things  
 ‘ without consent of the legislative assembly, chosen  
 ‘ by the PERSONAL ELECTION of that people,  
 ‘ over whom such doings were exercised.

‘ THESE points, reasonings and conclusions,  
 ‘ being settled in, deduced from, and established  
 ‘ upon parliamentary proceedings, and the best  
 ‘ law-authorities, must ever remain unshaken.  
 ‘ I am now to undertake the disagreeable task of  
 ‘ examining, whether they will apply to the vio-  
 ‘ lences which have lighted up, and now feed the  
 ‘ flames of civil war in America.

‘ JAMES the Second suspended the operation  
 ‘ of laws—George the Third caused the charter  
 ‘ of the Massachusetts-Bay to be in effect annihi-  
 ‘ lated ; he suspended the operation of the law  
 ‘ which formed a legislature in New-York, vest-  
 ‘ ing it with adequate powers ; and thereby he  
 ‘ caused the very ability of making laws in that  
 ‘ colony to be suspended.

‘ KING James levied money without the con-  
 ‘ sent of the representatives of the people called  
 ‘ upon to pay it—King George has levied money  
 ‘ upon America, not only without, but expressly  
 ‘ against the consent of the representatives of the  
 ‘ people in America.

‘ KING

' KING James violated the freedom of elec-  
 ' tion of members to serve in parliament—King  
 ' George, by his representative lord William  
 ' Campbell acting for him and on his behalf,  
 ' broke through a fundamental law of this country,  
 ' for the certain holding of general assemblies ; and  
 ' thereby, as far as in him lay, not only violat-  
 ' ed, but annihilated the very ability of holding  
 ' a general assembly.

' KING James, in time of peace, kept a stand-  
 ' ing army in England, without consent of the  
 ' representatives of the people among whom that  
 ' army was kept—King George hath, in time of  
 ' peace, invaded this continent with a large stand-  
 ' ing army without the consent, and he hath kept  
 ' it within this continent, expressly against the  
 ' consent of the representatives of the people,  
 ' among whom the army is posted.

' ALL which doings by King George the Third,  
 ' respecting America, are as much contrary to  
 ' our interests and welfare ; as much against law,  
 ' and tend as much, at least, to subvert and ex-  
 ' tirpate the liberties of this colony, and of Ame-  
 ' rica ; as the similar proceedings by James the  
 ' Second operated respecting the people of Eng-  
 ' land. For the same principle of law touching  
 ' the premises, equally applies to the people of  
 ' England in the one case, and to the people of  
 ' America in the other. And this is the great  
 ' principle. Certain acts done, over and affect-  
 ' ing

' ing a people, against and without THEIR CON-  
 ' SENT expressed by THEMSELVES, or by REPRESENTATIVES of their OWN ELECTION.—Upon  
 ' this only principle was grounded the complaints  
 ' of the people of England—upon the same is  
 ' grounded the complaints of the people of America. And hence it clearly follows, that if James  
 ' the Second violated the fundamental laws of  
 ' England, George the Third hath also violated  
 ' the fundamental laws of America.

' AGAIN :

' KING James broke the original contract, by  
 ' not affording due protection to his subjects, although he was not charged with having seized  
 ' their towns, and with having held them against  
 ' the people—or with having laid them in ruins  
 ' by his arms—or with having seized their vessels  
 ' —or with having pursued the people with fire  
 ' and sword—or with having declared them rebels,  
 ' for resisting his arms levelled to destroy their  
 ' lives, liberties and properties—But George the  
 ' Third hath done all those things against America ; and it is therefore undeniable, that he  
 ' hath not afforded due protection to the people.  
 ' Wherefore, if James the Second broke the original contract, it is undeniable that George the  
 ' Third has also broken the original contract between King and people ; and that he made use  
 ' of the most violent measures by which it could  
 ' be done—Violences, of which JAMES was  
 ' GUILTLESS—Measures, carrying conflagration,  
 massacre



‘ massacre and open war amidst a people, whose  
 ‘ subjection to the King of Great-Britain, the  
 ‘ law holds to be due, only as a return for pro-  
 ‘ tection. And so tenacious and clear is the law  
 ‘ upon this very principle, that it is laid down,  
 ‘ subjection is not due even to a King de jure or  
 ‘ of right, unless he be also King de facto or in  
 ‘ possession of the executive powers dispensing  
 ‘ protection.

‘ AGAIN: The third fact charged against James,  
 ‘ is, that he withdrew himself out of the kingdom:  
 ‘ And we know that the people of this country  
 ‘ have declared, that lord William Campbell, the  
 ‘ King of Great-Britain’s representative, “ hav-  
 ‘ ing used his utmost efforts to destroy the lives,  
 ‘ liberties and properties of the good people here,  
 ‘ whom by the duty of his station he was bound  
 ‘ to protect, withdrew himself out of the colo-  
 ‘ ny.”—Hence it will appear, that George the  
 ‘ Third hath withdrawn himself out of this colo-  
 ‘ ny, provided it be established, that exactly the  
 ‘ same natural consequence resulted from the  
 ‘ withdrawing in each case respectively: King  
 ‘ James personally out of England, and King  
 ‘ George out of Carolina, by the agency of his  
 ‘ substitute and representative lord William Camp-  
 ‘ bell.—By King James’s withdrawing, the exe-  
 ‘ cutive magistrate was gone, thereby, in the eye  
 ‘ of the law, the executive magistrate was dead,  
 ‘ and of consequence royal government actually  
 ‘ ceased in England—So by King George’s repre-  
 ‘ sentative’s



' sentative's withdrawing, the executive magistrate  
 ' was gone, the death in law became apparent,  
 ' and of consequence royal government actually  
 ' ceased in this colony. Lord William withdrew  
 ' as the King's representative, carrying off the  
 ' great seal and royal instructions to governors,  
 ' and acting for and on the part of his principal,  
 ' by every construction of law, that conduct be-  
 ' came the conduct of his principal; and thus,  
 ' James the Second withdrew out of England;  
 ' and George the Third withdrew out of South-  
 ' Carolina; and by such a conduct respectively,  
 ' the people in each country were exactly in the  
 ' same degree injured.

' THE three facts against King James being  
 ' thus stated and compared with similar proceed-  
 ' ings by King George, we are now to ascertain  
 ' the result of the injuries done by the first, and  
 ' the law upon that point; which, being ascer-  
 ' tained, must naturally constitute the judgment  
 ' in law, upon the result of the similar injuries  
 ' done by the last: and I am happy that I can  
 ' give you the best authority upon this important  
 ' point.

' TREATING upon this great precedent in con-  
 ' stitutional law, the learned judge Blackstone  
 ' declares, that the result of the facts " amounted  
 ' " to an abdication of the government, which  
 ' " abdication did not affect only the person of  
 ' " the King himself, but also all his heirs; and  
 ' " rendered

“ rendered the throne absolutely and completely  
 “ vacant.” Thus it clearly appears, that the go-  
 ‘ vernment was not abdicated, and the throne  
 ‘ vacated, by the resolution of the lords and com-  
 ‘ mons ; but, that the resolution was only decla-  
 ‘ ratory of the law of nature and reason, upon  
 ‘ the result of the injuries proceeding from the  
 ‘ three combined facts of mal-administration.—  
 ‘ And thus, as I have on the foot of the best au-  
 ‘ thorities made it evident, that George the Third,  
 ‘ King of Great-Britain, has endeavoured to sub-  
 ‘ vert the constitution of this country, by break-  
 ‘ ing the original contract between King and  
 ‘ people ; by the advice of wicked persons has  
 ‘ violated the fundamental laws ; and has with-  
 ‘ drawn himself by withdrawing the constitutional  
 ‘ benefits of the kingly office, and his protection  
 ‘ out of this country : from such a result of in-  
 ‘ juries, from such a conjuncture of circum-  
 ‘ stances—the law of the land authorizes me to  
 ‘ declare, and it is my duty boldly to declare the  
 ‘ law, that George the Third, King of Great-  
 ‘ Britain, has abdicated the government, and that  
 ‘ the throne is thereby vacant ; that is, HE HAS  
 ‘ NO AUTHORITY OVER US, and WE OWE NO  
 ‘ OBEDIENCE TO HIM.—The British ministers  
 ‘ already have presented a charge of mine to the  
 ‘ notice of the lords and commons in parliament ;  
 ‘ and I am nothing loath that they take equal  
 ‘ resentment against this charge. For, supported  
 ‘ by the fundamental laws of the constitution,  
 ‘ and engaged as I am in the cause of virtue—  
 ‘ I fear

‘ I fear no consequences from their machinations,

‘ THUS, having stated the principal causes of  
 ‘ our last revolution, it is as clear as the sun in the  
 ‘ meridian, that George the Third has injured  
 ‘ the Americans, at least as grievously as James  
 ‘ the Second injured the people of England ; but  
 ‘ that James did not oppress these in so criminal  
 ‘ a manner as George has oppressed the Ameri-  
 ‘ cans. Having also stated the law on the case, I  
 ‘ am naturally led to point out to you, some of  
 ‘ the great benefits resulting from that revolution.

‘ IN one word, then, you have a form of go-  
 ‘ vernment in every respect preferable to the mode  
 ‘ under the British authority ; and this will most  
 ‘ clearly appear by contrasting the two forms of  
 ‘ government.

‘ UNDER the British authority governors were  
 ‘ sent over to us, who were utterly unacquainted  
 ‘ with our local interests, the genius of the peo-  
 ‘ ple, and our laws ; generally they were but too  
 ‘ much disposed to obey the mandates of an arbi-  
 ‘ trary minister ; and if the governor behaved ill,  
 ‘ we could not by any peaceable means procure  
 ‘ redress.—But, under our present happy consti-  
 ‘ tution, our executive magistrate arises according  
 ‘ to the spirit and letter of Holy Writ—“ their  
 ‘ governors shall proceed from the midst of  
 ‘ them.” Thus, the people have an opportunity  
 ‘ of choosing a man intimately acquainted with

‘ their true interests, their genius, and their laws ;  
 ‘ a man perfectly disposed to defend them against  
 ‘ arbitrary ministers ; and to promote the happi-  
 ‘ ness of that people from among whom he was  
 ‘ elevated ; and by whom, without the least diffi-  
 ‘ culty, he may be removed and blended in the  
 ‘ common mass.

‘ AGAIN : Under the British authority it was  
 ‘ in effect declared, that we had no property ;  
 ‘ nay, that we could not possess any ; and that  
 ‘ we had not any of the rights of humanity. For  
 ‘ men who knew us not, men who gained in pro-  
 ‘ portion as we lost, arrogated to themselves a  
 ‘ right TO BIND US IN ALL CASES WHATSOEVER—  
 ‘ VER !—But our constitution is calculated to  
 ‘ FREE us from foreign bondage ; to secure to  
 ‘ us our property ; to maintain to us the rights  
 ‘ of humanity ; and to defend us and our posterity,  
 ‘ against British authority, aiming to reduce  
 ‘ us to the most abject slavery !

‘ AGAIN : The British authority declared, that  
 ‘ we should not erect flitting-mills—and, to this  
 ‘ unjust law, we implicitly and respectfully sub-  
 ‘ mitted so long, as with safety to our lives we  
 ‘ could yield obedience to such authority—but a  
 ‘ resolution of Congress now grants a premium  
 ‘ to encourage the construction of such mills.  
 ‘ The British authority discouraged our attempt-  
 ‘ ing to manufacture for our own consumption—  
 ‘ but the new constitution, by authorizing the  
 ‘ disbursement



‘ disbursement of large sums of money by way  
 ‘ of loan, or premium, encourages the making  
 ‘ of iron, bar-steel, nail-rods, gun-locks, gun-  
 ‘ barrels, sulphur, nitre, gun-powder, lead, wool-  
 ‘ lens, cottons, linens, paper and salt.

‘ UPON the whole, it has been the policy of the  
 ‘ British authority, to oblige us to supply our  
 ‘ wants at their market, which is the dearest in  
 ‘ the known world; and to cramp and confine  
 ‘ our trade so as to be subservient to their com-  
 ‘ merce, our real interest being ever out of the  
 ‘ question.—On the other hand the new consti-  
 ‘ tution is wisely adapted to enable us to trade  
 ‘ with foreign nations, and thereby to supply our  
 ‘ wants at the cheapest markets in the universe;  
 ‘ to extend our trade infinitely beyond what it  
 ‘ has ever been known; to encourage manufac-  
 ‘ turers among us; and it is peculiarly formed  
 ‘ to promote the happiness of the people, from  
 ‘ among whom, by virtue and merit, THE POOR-  
 ‘ EST MAN may arrive at THE HIGHEST DIGNI-  
 ‘ TY.—Oh Carolinians! happy would you be  
 ‘ under this new constitution, if you knew your  
 ‘ happy state.

‘ POSSESSED of a constitution of government,  
 ‘ founded upon so generous, equal and natural a  
 ‘ principle,—a government expressly calculated  
 ‘ to make the people rich, powerful, virtuous and  
 ‘ happy, who can wish to change it, to return  
 ‘ under a royal government; the vital principles  
 ‘ of



‘ of which, are the reverse in every particular ! It  
 ‘ was my duty to lay this happy constitution be-  
 ‘ fore you, in its genuine light—it is your duty  
 ‘ to understand—to instruct others—and to de-  
 ‘ fend it.

‘ I might here, with propriety, quit this truly  
 ‘ important subject, but my anxiety for the pub-  
 ‘ lick weal, compels me yet to detain your atten-  
 ‘ tion, while I make an observation or two, upon  
 ‘ one particular part of the constitution.

‘ WHEN all the various attempts to enslave  
 ‘ America, by fraud under guise of law ; by mi-  
 ‘ litary threats ; by famine ; massacre ; breach of  
 ‘ publick faith, and open war : I say, when these  
 ‘ things are considered on the one hand—and on  
 ‘ the other, the constitution, expressing that some  
 ‘ mode of government should be established,  
 ‘ until an accommodation of the unhappy diffe-  
 ‘ rences between Great-Britain and America can  
 ‘ be obtained—an event which, though traduced  
 ‘ and treated as rebels, we still ardently desire :”  
 ‘ I say, when these two points are contrasted, can  
 ‘ we avoid revering the magnanimity of that great  
 ‘ council of the state, who, after such injuries,  
 ‘ could entertain such a principle !—But the vir-  
 ‘ tuous are ever generous : we do not wish re-  
 ‘ venge : we earnestly wish an accommodation of  
 ‘ our unhappy disputes with Great-Britain ; for  
 ‘ we prefer peace to war.—Nay, there may be  
 ‘ even such an accommodation, as, excluding every  
 ‘ idea

idea of revenue by taxation or duty, or of legis-  
 lation, by act of parliament, may vest the King  
 of Great-Britain with such a limited dominion  
 over us, as may tend, bona fide, to promote our  
 true commercial interests, and to secure our free-  
 dom and safety—the only just ends of any do-  
 minion. But, while I declare thus much on the  
 one side, on the other it is my duty also to de-  
 clare, that in my opinion our true commercial  
 interests cannot be provided for, but by such a  
 material alteration of the British acts of naviga-  
 tion, as, according to the resolve of the honoura-  
 ble the continental Congress, “ will secure the  
 “ commercial advantages of the whole empire to  
 “ the mother country, and the commercial benefits  
 “ of its respective members.” And that our li-  
 berties and safety cannot be depended upon, if  
 the King of Great-Britain should be allowed to  
 hold our forts and cannon; or to have autho-  
 rity over a single regiment in America; or a  
 single ship of war in our ports.—For if he holds  
 our forts, he may turn them against us, as he  
 did Boston against her proprietors: if he ac-  
 quires our cannon, he will effectually disarm  
 the colony: if he has a command of troops  
 among us, even if we raise and pay them, shack-  
 les are fixed upon us—witness Ireland and her  
 national army. The most express act of par-  
 liament cannot give us security; for acts of  
 parliament are as easily repealed as made. Royal  
 proclamations are not to be depended upon;  
 witness the disappointments of the inhabitants  
 of

‘ of Quebec and St. Augustine. Even a change  
 ‘ of ministry will not avail us, because, notwith-  
 ‘ standing the rapid succession of ministers, for  
 ‘ which the British court has been famous during  
 ‘ the present reign, yet the same ruinous policy  
 ‘ ever continued to prevail against America.—In  
 ‘ short, I think it my duty to declare in the awful  
 ‘ seat of justice, and before Almighty God, that,  
 ‘ in my opinion, the Americans can have no safety  
 ‘ but by the Divine Favour, their own virtue,  
 ‘ and their being so prudent as NOT TO LEAVE  
 ‘ IT IN THE POWER OF THE BRITISH RULERS  
 ‘ TO INJURE THEM. Indeed the ruinous and  
 ‘ deadly injuries received on our side, and the  
 ‘ jealousies entertained, and which, in the nature  
 ‘ of things, must daily encrease against us on the  
 ‘ other ; demonstrate to a mind, in the least given  
 ‘ to reflection upon the rise and fall of empires,  
 ‘ that true reconciliation never can exist between  
 ‘ Great-Britain and America, the latter being in  
 ‘ subjection to the former.—The Almighty cre-  
 ‘ ated America to be independent of Britain : let  
 ‘ us beware of the impiety of being backward to  
 ‘ act as instruments in the Almighty Hand, now  
 ‘ extended to accomplish his purpose ; and by  
 ‘ the completion of which alone, America, in the  
 ‘ nature of human affairs, can be secure against  
 ‘ the craft and insidious designs of HER ENE-  
 ‘ MIES, WHO THINK HER PROSPERITY AND  
 ‘ POWER ALREADY BY FAR TOO GREAT.  
 ‘ In a word, our piety and political safety are so  
 ‘ blended, that to refuse our labours in this divine  
 ‘ work,

‘work, is to refuse to be a great, a free, a pious  
 ‘and a happy people !

‘AND now, having left the important alterna-  
 ‘tive, political happiness or wretchedness, under  
 ‘GOD, in a great degree in your own hands ; I  
 ‘pray the Supreme Arbiter of the affairs of men,  
 ‘so to direct your judgment, as that you may act  
 ‘agreeably to what seems to be his will, revealed  
 ‘in his miraculous works in behalf of America,  
 ‘bleeding at the altar of liberty !’

THE sentiments contained in this charge, from the bench of justice, were re-echoed from the grand-juries in the different districts. <sup>a</sup> This first general assembly, agreeably to the constitution they had framed, was dissolved on the 21st of October of the same year, and a general election for members of legislature was immediately held throughout the state. Such was the union of the people, and so general their acquiescence in the measures adopted by their representatives, that the former members were almost universally returned. The new assembly met on the 6th of December 1776, and, in a few days after, re-chose the former president and vice-president. The government had energy, and was cheerfully obeyed. So much tranquility reigned in every part of South-Carolina, that, after the departure of the British fleet and army in July, and the termination of the Cherokee expedition in Oc-  
 tober

<sup>a</sup> See note XIII.



tober 1776, events which shall hereafter be more particularly explained, the bulk of the people were scarcely sensible of any revolution, or that the country was at war.

THE policy of the rulers in departing as little as possible from ancient forms and names, made the change of sovereignty less perceptible. The inhabitants had long been in the habit of receiving laws from a general assembly and council. The administration of the government in times past, on the demise of the governor, had been uniformly committed to one of the council, under the title of president. The people felt themselves secure in their persons and properties, and experienced all the advantages of law and government. These benefits were communicated under old names, though derived from a new sovereignty. Their ancient laws and customs were generally retained. The kingly office was dropped, and the revolution took place without any violence or convulsion.

SOUTH-CAROLINA was the first of the United Colonies that formed an independent constitution; but as this was done on temporary principles, the declaration of independence by the continental Congress, which took place on the 4th of July 1776, made it necessary to new model that temporary form of government, so as to accommodate it to that great event. So unlimited was the confidence which the inhabitants reposed in their representatives,



representatives, that they entrusted the same body of men with the power of revising the constitution, as well as that of enacting laws. The elections in every part of the state were conducted on the idea that the members chosen, over and above the ordinary powers of legislators, should have the power to frame a new constitution suited to the declared independence of the state. Authorized in this manner, the legislature, in January 1777, began the important business of framing a permanent form of government. The generous confidence reposed in the elected by the electors, met with a suitable return of fidelity on their part. Instead of increasing their own powers as legislators, they diminished those of which they were in possession by the temporary constitution, and extended the privileges of their constituents: nor did they proceed to give a final sanction to their deliberations on the subject of the constitution, till they had submitted them for the space of a year to the consideration of the people at large. From the general approbation of the inhabitants, the new constitution received all the authority which could have been conferred on the proceedings of a convention expressly delegated for the exclusive purpose of framing a form of government. The temporary constitution, ratified in March 1776, differs from that which was framed in 1777 and 1778 in the following particulars. By the last the appellation of the country was changed from colony to state, and of the chief magistrate from president to

governor. A rotation was also established in the offices of governor, privy-councillor, sheriff, treasurer, secretary of the state, register of mesne conveyances, attorney-general, surveyor-general, powder-receiver, collectors and comptrollers of the customs, so that in the first three offices no one person can serve more than two years out of six, and in all the following ones no more than four years out of eight. And the legislative authority was reduced from three to two branches. Instead of the legislative-council, appointed by the constitution of 1776, to be chosen by the representatives of the people out of their own body, a senate, consisting of twenty-eight members, each upwards of thirty years of age, to be elected by the people in their respective parishes and districts, was, by the constitution of 1778, constituted a branch of legislature. The oath prescribed by the temporary constitution of 1776, to be taken by all persons chosen or appointed to any office, or to any place of trust, before entering on the execution of office, was in the following words : ‘ I A. B. do swear that I will, to  
 ‘ the utmost of my power, support, maintain and  
 ‘ defend the constitution of South-Carolina as  
 ‘ established by Congress on the 26th of March  
 ‘ 1776, until an accommodation of the differences  
 ‘ between Great-Britain and America shall take  
 ‘ place, or I shall be released from this oath by  
 ‘ the legislative authority of the said colony.’  
 But by the permanent constitution, established  
 after

after the declaration of independence, it was made necessary for all publick officers, before entering on the execution of their offices, to take an oath in the following words : ‘ I A. B. do acknowledge the state of South-Carolina to be a free, independent and sovereign state ; and that the people thereof owe no allegiance or obedience to George the Third, King of Great-Britain. And I do renounce, refuse and abjure any allegiance or obedience to him ; and I do swear (or affirm) that I will, to the utmost of my power, support, maintain and defend the said state against the said King George the Third, his heirs and successors, and his or their abettors, assistants and adherents.’

THE constitution of 1776 was silent on the subject of religious establishment, but that of 1778 abolished every trace of superiority which had before elevated any one denomination above another, and put all sects of Protestants on the footing of most perfect equality. It held forth toleration to all men who believed in a Deity, and ordained a nominal establishment of the Protestant religion, but left the clergy of all denominations without any publick support, to be maintained by the voluntary contributions of their adherents.

THE new constitution having been approved of by both the deliberative branches of legislature, and also having gained the implied consent of the people,

people, the general assembly and legislative-council proceeded in March 1778 to give it a final sanction in the form of a law. To this end they presented it to president Rutledge for his assent. By virtue of the negative power delegated to him by the temporary constitution, he refused to pass it. He gave reasons for his refusal in the following speech, addressed to both houses :

‘ Honourable gentlemen of the legislative-council,  
 ‘ Mr. Speaker, and gentlemen of the general  
 ‘ assembly,

‘ Your presenting a bill which I am under the  
 ‘ absolute necessity of rejecting, gives me infinite  
 ‘ concern, as I have very great deference for your  
 ‘ opinion. But I should betray the important  
 ‘ trust reposed in me, and be utterly unworthy of  
 ‘ the publick confidence, if any consideration could  
 ‘ induce me to submit my own judgment upon this  
 ‘ occasion to that of others however respectable.

‘ HAVING thoroughly revolved the matter, I  
 ‘ think myself bound to refuse assent to this bill ;  
 ‘ and, being responsible for the faithful discharge  
 ‘ of my duty, to declare the reasons for such  
 ‘ refusal.

‘ I have taken an oath to preside over the peo-  
 ‘ ple of this state, according to the constitution  
 ‘ or form of government agreed to and resolved  
 ‘ upon by the representatives of South-Carolina

‘ in



‘ in March 1776 ; it is therefore impossible for  
 ‘ me, without breach of this solemn obligation,  
 ‘ to give my sanction to the establishment of a  
 ‘ different mode of government. But if I were  
 ‘ not restrained by an oath, I should nevertheless  
 ‘ put a negative on the bill, because it annihilates  
 ‘ one branch of the legislature, and transfers the  
 ‘ right of electing another branch from the ge-  
 ‘ neral assembly to the people ; and nothing is  
 ‘ clearer to me than that we have not lawful  
 ‘ power so to do. For, on the late dissolution  
 ‘ of government, the people, being at liberty to  
 ‘ choose what form they pleased, agreed to one  
 ‘ vesting an authority for making the laws by  
 ‘ which they were to be bound in three branches,  
 ‘ and committed it to the care of the several  
 ‘ branches, not to be violated or infringed, but  
 ‘ to be preserved as a sacred deposit, as that se-  
 ‘ curity of their lives, liberties and properties,  
 ‘ which, after mature deliberation, they deemed  
 ‘ it wisest to provide. The legislative authority,  
 ‘ being fixed and limited, cannot change or de-  
 ‘ stroy itself without subverting the constitution  
 ‘ from which it is derived. The people by that  
 ‘ delegated to us a power of making laws, not of  
 ‘ creating legislators ; and there can be no doubt  
 ‘ that if we have authority to take the right of  
 ‘ electing a legislative-council from that body in  
 ‘ which the constitution placed it, and give it to  
 ‘ another, we may not only do the like with the  
 ‘ right of electing members of assembly, and a  
 ‘ president, but vest the election of both the as-  
 ‘ sembly



‘sembly and council in any other body instead of  
 ‘the people, and the election of a president in  
 ‘some other body than the council and assembly;  
 ‘and that if we have power to lop one branch  
 ‘of the legislature, we may cut off either of the  
 ‘other branches, and suffer the legislative autho-  
 ‘rity to be exercised by the remaining branch  
 ‘only, or abolish the third also, and invest the  
 ‘whole authority in some other person or body.  
 ‘Nor is it chimerical to suppose that such infrac-  
 ‘tions may be attempted by others, since viola-  
 ‘tions similar to these have been committed. We  
 ‘know that one of the houses of parliament voted  
 ‘the other house useless and dangerous, and that  
 ‘it ought to be abolished—That publick bodies,  
 ‘elected and eligible by the people, have wrested  
 ‘the right of election from their constituents,  
 ‘filling up vacancies, which the deaths of mem-  
 ‘bers occasioned, by their own choice—That  
 ‘an English parliament enacted a law empower-  
 ‘ing the King, for the time being, with advice  
 ‘of the major part of his council, to set forth  
 ‘proclamations under such pains and penalties as  
 ‘to him and them should seem necessary, and  
 ‘declaring that those proclamations should be  
 ‘observed as though they were made by act of  
 ‘parliament—That offenders against them should  
 ‘be liable to the forfeitures and imprisonments  
 ‘therein expressed, and adjudged traitors if they  
 ‘should quit the realm to avoid answering their  
 ‘offence—That a British triennial parliament  
 ‘constituted itself, and succeeding parliaments  
 septennial;

‘ septennial ; and though frequent elections are  
 ‘ evidently for the benefit of the people, they  
 ‘ have strove in vain for upwards of half a cen-  
 ‘ tury to abridge the time of their parliament’s  
 ‘ duration. In short, we know that freedom is  
 ‘ totally extinct in many nations whose greatest  
 ‘ glory it was for ages, by the people’s having  
 ‘ surrendered every privilege, and become slaves  
 ‘ to despotism. Experience therefore teaches,  
 ‘ that it is the indispensable duty of every lover  
 ‘ of his country to adhere inflexibly to its con-  
 ‘ stitution, not admitting any innovation of it,  
 ‘ though specious and plausible, lest the first  
 ‘ making way for others, they rush forward like  
 ‘ an impetuous torrent, bearing down all before it.

‘ SUPPOSING however that we had power to  
 ‘ form a new constitution, I apprehend that the  
 ‘ causes assigned for it are altogether insufficient.  
 ‘ The bill recites, “ that the present was tempo-  
 ‘ rary only, and suited to the situation of publick  
 ‘ affairs when it was resolved on, looking for-  
 ‘ ward to an accommodation with Great-Britain,  
 ‘ an event then desired. But that the United  
 ‘ Colonies have since been constituted indepen-  
 ‘ dent states by the declaration of the honourable  
 ‘ continental Congress, and it is therefore be-  
 ‘ come absolutely necessary to frame a constitu-  
 ‘ tion suited to that great event.” Admitting  
 ‘ our form of government to be temporary, it is  
 ‘ to continue until that accommodation shall take  
 ‘ place, until peace between Great-Britain and  
 ‘ America

‘ America shall be concluded, though I do not  
 ‘ hold that it must then be altered, and think it  
 ‘ should not, unless a better can be devised. We  
 ‘ still look forward to such accommodation, an  
 ‘ event as desirable now as it ever was, so that  
 ‘ the situation of publick affairs is in this respect  
 ‘ the same as when the constitution was establish-  
 ‘ ed; and though indeed, since the declaration  
 ‘ of independence, the style of this country is  
 ‘ somewhat altered, having been heretofore one  
 ‘ of the United Colonies, and being now one of  
 ‘ the United States of America; yet it exercised,  
 ‘ and constitutionally, the same supreme power  
 ‘ before as it has since that period. Such decla-  
 ‘ ration therefore cannot make it necessary to  
 ‘ change the form of government, nor can I  
 ‘ conceive any reason which does. The good of  
 ‘ the people being the end of government, that  
 ‘ is the best form under which they are happiest :  
 ‘ they being the fittest judges of what would be  
 ‘ most productive of their happiness, preferred  
 ‘ the present mode of electing a legislative-council  
 ‘ to that which is offered for electing a senate,  
 ‘ probably because it appeared more likely that  
 ‘ persons of the greatest integrity, learning and  
 ‘ abilities, would be chosen by and from amongst  
 ‘ their representatives when assembled, than by  
 ‘ electors in their several parishes and districts;  
 ‘ and it may have seemed incongruous, that there  
 ‘ should be two representative bodies, the less  
 ‘ controlling the greater. The people also pre-  
 ‘ ferred a compounded or mixed government to  
 ‘ a simple

‘ a simple democracy, or one verging towards it,  
 ‘ perhaps because, however unexceptionable de-  
 ‘ mocratic power may appear at the first view, its  
 ‘ effects have been found arbitrary, severe and  
 ‘ destructive. Certain it is that systems, which,  
 ‘ in theory have been much admired, on trial  
 ‘ have not succeeded ; and that projects and ex-  
 ‘ periments relative to government are of all  
 ‘ schemes the most dangerous and fatal. The  
 ‘ people having adopted such a constitution as  
 ‘ seemed to them most perfect, when it is not  
 ‘ even surmised that any grievance or inconve-  
 ‘ nience has arisen from it, and when they are  
 ‘ satisfied with and happy under it, (which I firm-  
 ‘ ly believe they are) if we had authority I should  
 ‘ conceive it neither politic, expedient or justi-  
 ‘ fiable to change this form for another, especially  
 ‘ as I think that the one proposed will not be bet-  
 ‘ ter than, or so good as, what we now enjoy ; and  
 ‘ whether it would or not, is a speculative point  
 ‘ which time only can determine.

‘ Thus I have shewn that it is not in my power  
 ‘ to agree to this bill, and why, if it were, I  
 ‘ should not.

‘ I AM not so vain as to imagine that what I  
 ‘ have said can influence your minds in a matter  
 ‘ which has been so lately the subject of debate.  
 ‘ But having delivered my sincere and real senti-  
 ‘ ments (with a freedom which I hope is neither  
 ‘ unbecoming or offensive) I confide in your can-

T

‘ your



‘ dour to regard them as such. And now I think  
 ‘ proper to resign the office of president and com-  
 ‘ mander in chief of this state. I do accordingly  
 ‘ resign it into your hands, and request that you  
 ‘ will accept this resignation, and elect some per-  
 ‘ son to it in my stead.’

THE resignation of president Rutledge being accepted, the legislative bodies proceeded to elect his successor. A majority of their suffrages in the first instance were in favour of the honourable A. Middleton. On account of difficulties that stood in the way of his passing the new constitution, he declined acceptance of the office. The honourable Rawlins Lowndes was soon after elected, and on the 19th of March 1778 he gave his assent to the new constitution, which, from that time to the present, has been the uniform rule of government.

EXCEPTING in the particulars in which a difference has already been stated, the two constitutions are nearly the same. They both agreed in this fundamental point, that the voice of the people was the source of law, honour and office. Criminal prosecutions which were formerly carried on in the name of the King, were from that æra carried on in the name of the state. The same offices, with nearly the same duties and powers that had existed under the royal government, were continued under the popular establishment, but with this difference, that the officers  
 obtained



obtained their places by the vote of the legislature, and not from the appointment of the crown. The majesty of the people took the place that had formerly been occupied by the kingly office. By this substitution a change of government was easily and almost insensibly effected.

## CHAPTER

## CHAPTER FIFTH.

*Of the attack of the fort on Sullivan's island, by  
sir Peter Parker and sir Henry Clinton.*

SOON after a regular form of government was adopted, a formidable attack from Great-Britain gave an opportunity of ascertaining its energy. Governor Campbell, from the time of his abandoning the province, had been assiduous in his attempts to procure a military force to reduce it to obedience. He represented the friends of royal authority as needing only the countenance of a small military force, to give them an opportunity of embodying for the establishment of British government—that Charleston might be easily reduced—and that the reduction of it would restore the province to its former tranquillity: crown officers, and their friends the royalists, associating chiefly with one another, and not knowing, or not believing the numbers, the resources, nor the enthusiasm of the opposite party, deceived themselves, and communicated their delusions to the rulers in Great-Britain.

In the close of the year 1775, and the beginning of the year 1776, great preparations had been made in Great-Britain to invade the American colonies, with a force sufficient to compel submission.—With this view, early in 1776, upwards of fifty thousand men were employed in active operations against America. Part of this  
force

force was ordered to the southward, to carry into effect in that quarter the designs of the British ministry. While Great-Britain was preparing to invade her colonies, they were equally assiduous in their endeavours to be ready to repel the invasion. In South-Carolina particularly, every exertion had been made to put the province, and especially its capital, in a respectable posture of defence. As one mean conducing thereto, the popular leaders had erected works on Sullivan's island. This is situated about six miles nearer the sea than that neck of land between Ashley and Cooper rivers, on which Charleston stands, and is so near the channel as to be a very convenient post for annoying ships approaching the town. At the time the British fleet appeared off the coast, about twenty-six heavy cannon, twenty-six-eigheten and nine-pounders were mounted at Sullivan's island, on a fort constructed with palmetto. This is a tree peculiar to the southern states, which grows from twenty to forty feet high without branches, and then terminates in something resembling the head of a cabbage. The wood of it is remarkably spongy. A bullet entering it makes no extended fracture, but buries itself without injuring the parts adjacent.

ON the first of June 1776, advices were received in Charleston, that a fleet of forty or fifty sail were at anchor about six leagues to the northward of Sullivan's island. The next day the alarm was fired, and expresses sent to the officers commanding

commanding the militia in the country, to repair, with the forces under their respective commands, to the immediate defence of the capital. In a few days after several hundreds of the troops from the British fleet were landed on Long-Island. This is situated to the eastward of Sullivan's island, and separated from it by a creek. On the fourth of June thirty-six of the transports crossed the bar, in front of Rebellion road, and anchored about three miles from Sullivan's island; two of them ran aground in crossing, one of which got off, but the other went to pieces. On the 10th of June the Bristol, a fifty-gun ship, her guns being previously taken out, got safely over. About this time a proclamation was sent ashore, under the sanction of a flag, in which the British general, sir Henry Clinton, promised pardon to the inhabitants, in case of their laying down their arms, and quietly submitting to the re-establishment of royal government. ° This produced none of the effects expected from it. The militia of the country very generally obeyed the summons of president Rutledge, and repaired in great numbers to Charleston. The regular regiments of the adjacent northern states, having been ordered to the assistance of their southern neighbours, arrived at this critical juncture. The two continental general officers, Armstrong and Howe, came about the same time. The whole were put under the orders of major-general Lee, who was appointed to the immediate command of all the forces

° See note xiv.



forces in the southern states. The great opinion which was every where entertained of the ability and experience of general Lee, added to the spirits of the troops and inhabitants. In a few days the Americans, including the militia of the town and country, amounted to five or six thousand men. The first South-Carolina regular regiment, commanded by colonel Gadsden, was stationed at fort Johnson. This is situated about three miles from Charleston, on the most northerly point of James island, and is within point blank shot of the channel. The second and third regular regiments of South-Carolina, commanded by colonels Moultrie and Thompson, occupied the two extremities of Sullivan's island. The other forces had their posts assigned them at Haddrell's point, James island, and along the bay in front of the town. The streets near the water were in different places strongly barricaded. The stores on the wharves, though immensely valuable, were pulled down, and lines of defence were continued along the water's edge. Domestic conveniences were exchanged for blankets and knapsacks; and hoes and spades were in the hands of every citizen. In a few days by their labour, in conjunction with a number of negroes ordered down from the country, such obstructions were thrown in the way as would have greatly embarrassed the royal army attempting to land in the town.

GENERAL Lee proposed to president Rutledge to bind the militia by the formality of an oath.

Though



Though there was no law for this, yet so great was the ardour of the people that only two of their number refused.

ON the 25th the Experiment, a fifty-gun ship, arrived near the bar, and on the 26th, her guns being previously taken out, she got safely over.

ON the 28th the fort on the island was briskly attacked by the two fifty-gun ships, Bristol and Experiment, four frigates, the Active, Acteon, Solebay, Syren, each of twenty-eight guns, the Sphynx of twenty guns, the Friendship armed vessel of twenty-two guns, Ranger sloop and Thunder-Bomb, each of eight guns. Between ten and eleven o'clock in the forenoon the Thunder-Bomb began to throw shells. The Active, Bristol, Experiment and Solebay, came boldly on to the attack. A little before eleven o'clock the garrison fired four or five shot at the Active while under sail. When she came near the fort she dropped anchor, and poured in a broad-side. Her example was followed by the three other vessels, and a most tremendous cannonade ensued. The Thunder-Bomb, after having thrown about sixty shells, was so damaged as to be incapacitated from firing. Colonel Moultrie, with three hundred and forty-four regulars, and a few volunteer militia, made a defence that would have done honour to experienced veterans. The unanimous thanks of Congress were given to general Lee, and colonels Moultrie and Thomson





son for their good conduct on this memorable day. <sup>p</sup> In compliment to the commanding officer the fort from that time was called Fort Moultrie. During the engagement the inhabitants stood with arms in their hands at their respective posts, prepared to receive the British where-ever they might land. Impressed with high ideas of British bravery, and diffident of the maiden courage of their own new troops, they were apprehensive that the forts would either be silenced or passed, and that they should be called to immediate action. The various passions of the mind assumed alternate sway, and marked their countenances with anxious fears or cheerful hopes. Their resolution was fixed to meet the invaders at the water's edge, and dispute every inch of ground, trusting the event to Heaven, and preferring death to slavery.

GENERAL Clinton was to have passed over to Sullivan's island with the troops under his command on Long-Island; but the extreme danger to which he must unavoidably have exposed his men, induced him to decline the perilous attempt. Colonel Thomson, with three hundred riflemen of his regiment, colonel Clark, with two hundred regulars of the North-Carolina line, colonel Horry, with two hundred South-Carolina militia, and the Raccoon company of militia riflemen, with an eighteen-pounder, and a field-piece, were stationed at the east end of Sullivan's island to

U

oppose

<sup>p</sup> See note xv.



oppose their crossing ; but no serious attempt to land on Sullivan's island was made, either from the fleet or by the detachment on Long-Island. The Sphynx, Aëteon and Syren were sent round to attack the western extremity of the fort. This was so unfinished as to afford very imperfect cover to the men at the guns in that part, and also so situated as to expose the men in the other parts of the fort to a very dangerous cross-fire. Providence on this occasion remarkably interposed in behalf of the garrison, and saved them from a fate that, in all probability, would otherwise have been inevitable. About twelve o'clock, as the three last-mentioned ships were advancing to attack the western wing of the fort, they all got entangled with a shoal called the Middle Ground ; two of them ran foul of each other. The Aëteon stuck fast. The Sphynx, before she cleared herself, lost her bowsprit ; but the Syren got off without much injury. The ships, in front of the fort, kept up their fire till near seven o'clock in the evening without intermission ; after that time it slackened. At half past nine the firing on both sides ceased ; and at eleven the ships slipped their cables. Next morning all the men of war except the Aëteon had retired about two miles from the island. The garrison fired several shot at the Aëteon ; she at first returned them, but soon after the crew set her on fire, and abandoned her, leaving her colours flying, guns loaded, and all her ammunition and stores. She was in a short time boarded by a party of Americans, com-

manded



manded by captain Jacob Milligan, which brought off her colours, the ship's bell, and as many sails and stores as three boats could contain. The Americans on board the *Acæton*, while flames were bursting out on all sides, fired three of her guns at the commodore, and then quitted her. In less than half an hour after their departure she blew up. The *Bristol* had forty men killed and seventy-one wounded. Captain Morris, who commanded her, lost his arm. Every man, who was stationed in the beginning of the action on her quarter deck, was either killed or wounded. The *Experiment* had twenty-three killed and seventy-six wounded. Captain Scott, who commanded her, lost his arm. Lord William Campbell, the late governor of the province, who, as a volunteer, had exposed himself in a post of danger, received a wound in his side, which ultimately proved mortal. Commodore sir Peter Parker suffered a slight contusion. The fire of the fort was principally directed against the *Bristol* and *Experiment*, and they suffered very much in their hulls, masts and rigging. Not less than seventy balls went through the former. The *Acæton* had lieutenant Pike killed, and six men wounded. The *Solebay* had eight men wounded. After some days the troops were all re-embarked, and the whole sailed for New-York. <sup>a</sup>

THE loss of the garrison was ten men killed and twenty-two wounded. Lieutenants Hall and Gray

<sup>a</sup> See note xvi.

Gray were among the latter. Though there were many thousand shot fired from the shipping, yet the works were little damaged : those which struck the fort were ineffectually buried in its soft wood. Hardly a hut or tree on the island escaped.

WHEN the British appeared off the coast, there was so scanty a stock of lead, that, in order to supply the musquetry with bullets, it became necessary to strip the windows of the dwellinghouses in Charleston of their weights. Powder was also very scarce. The proportion allotted for the defence of the fort was but barely sufficient for slow firing. This was expended with great deliberation. The officers in their turn pointed the guns with such exactness that most of their shot took effect on the shipping. In the beginning of the action the flag-staff was shot away. Sergeant Jasper of the grenadiers immediately jumped on the beach, took up the flag and fastened it on a sponge-staff. With it in his hand he mounted the merlon, and, though the ships were directing their incessant broad-sides at the spot, he deliberately fixed it. The day after the action president Rutledge presented sergeant Jasper with a sword, as a mark of respect for his distinguished valour. Sergeant M'Donald, of captain Huger's company, was mortally wounded by a cannon ball. He employed the short interval, between his wound and his death, in exhorting his comrades to continue steady in the cause of liberty and their country.

THIS

THIS ill-conducted expedition contributed greatly to establish the popular government which it was intended to upset. The friends of America triumphed. Unacquainted with the vicissitudes of war, some of them began to flatter themselves their work was done, and their liberties established. In opposition to the bold assertions of some, and the desponding fears of others, experience proved that America might effectually resist a British fleet and army. The diffident grew bold in their country's cause, and looked forward to the completion of their wishes for its liberty and independence. The advocates for the omnipotence of the British navy confessed their mistake. Those who, from interested motives, had abetted the royal government, ashamed of their opposition to the struggles of an infant people, for their dearest rights, retired into obscurity. Mr. Cunningham, and other leaders of the royalists, who, on the defeat and dispersion of their party in the latter end of 1775, had been taken and committed to close confinement, obtained their discharge soon after the departure of the British fleet. The state wished to conciliate them to the popular measures, and therefore, in this moment of triumph, received from them assurances of fidelity to their country, and restored them to the rights and privileges of free citizens.

Soon after the engagement, when the British troops were re-embarked for their departure, the transport ship Glasgow, mounting six four pounders,

ers, with fifty-six Highlanders on board, ran aground near Long-Island. Captain Pickering, Benjamin Waller, Cornelius Dervees, William Dervees and twenty-one seamen, all volunteers, came along side of her in a wood-boat, on which were mounted one eighteen pounder and some smaller guns, and took the whole crew of the Glasgow prisoners. After stripping her of every thing that could be brought off, they set her on fire.

THE fort on Sullivan's island having proved so useful in repelling an invasion, a scheme was adopted for making it more serviceable at a future time, by connecting the island with the main by a bridge across an intervening body of water, three quarters of a mile wide and ten feet deep. Without this communication general Lee pronounced the fort on the island to be a slaughter pen. So great was the confidence of the state in his judgment, that an uncommon anxiety occupied the publick mind for the completion of this great undertaking. The indefatigable and persevering general Gadsden undertook what many thought impracticable, and accomplished it without charging one farthing for his services.—The general assembly voted him their thanks.—This, and the applause of his countrymen, with the heart-felt satisfaction of promoting a cause to which his whole soul was devoted, was all the reward that distinguished patriot received for the many publick services he performed in securing the liberties and advancing the happiness of his country.



## CHAPTER SIXTH.

*Of the attempts on East-Florida in 1776 and 1778, and of the expedition into the Cherokee country in 1776.*

**I**T would be happy for mankind if, among contending powers, the plundering of individuals was, by a general law of nations, reprobated. For want of this the honest and industrious, who have no share in publick affairs, are frequently a prey to daring adventurers, who, under the sanction of war, commit robberies for which, in times of peace, their lives would be forfeited. It would have been for the reciprocal advantage of Georgia, East-Florida, and South-Carolina, if the advice of some moderate men in St. Augustine, on this subject, had been followed; but instead of pursuing the prudent line of conduct recommended by them, a piratical war from that place, at a very early period of the contest, had commenced against Georgia and South-Carolina. Governor Tonyn, of East-Florida, had issued letters of marque before the British act was passed for that purpose, although he had previously consulted the King's attorney-general of the province, who gave his opinion that the governor was not invested with such a power. Besides these piratical acts at sea, a predatory war by land had been waged under the same auspices by a party consisting chiefly of fugitives from justice in the adjoining provinces. In resentment for these incur-

sions



sions some individuals, from the state of Georgia, had retaliated on the settlements in East-Florida ; but nothing was done by proper authority till July 1776, when an invasion of East-Florida was seriously projected, with the double view of securing Georgia and South-Carolina from the depredations of their southern neighbours ; and of drawing the attention of the British from their northern conquests. This was attempted in the first instance by general Lee, soon after the repulse of the British fleet on the 28th of June 1776, with part of the force then collected at Charleston. After they had proceeded as far as the river Ogeechee, in Georgia, the general received orders to rejoin the northern army, on which the expedition was abandoned. The British afterwards erected a fort at St. Mary's river, from which they frequently harassed the southern parts of Georgia. To drive them from this post became an additional motive for directing the arms of the United States against East-Florida. The invasion of that province was therefore resumed in 1778 by general Robert Howe. He had under his command the greatest part of the South-Carolina regular troops, and was also joined by a considerable body of South-Carolina and Georgia militia, and had the co-operation of four galleys. Their rout lay through a country so thoroughly barren that it did not produce a single berry, nor was a bird to be seen. They proceeded as far as St. Mary's river without any opposition of consequence from the enemy. A great mortality

mortality however among the foldiers induced a council of war to recommend a retreat. Before the army returned it fufained a lofs of upwards of five hundred men. Though the object of the expedition was not fully obtained ; yet the ftates of South-Carolina and Georgia were, for that campaign, in a confiderable degree faved from the depredations of their fouthern neighbours. In the following years they fuffered very much from the privateers fitted out at St. Auguftine, and from the incurfions of a band of horfemen, under the denomination of the Florida Rangers.

THE inhabitants of Eaft and Weft-Florida were not the only hostile neighbours of the fouthern ftates. The Cherokee and Creek Indian nations, who inhabit lands not far diftant from the weft-tern fettlements of Carolina and Georgia, proved, in like manner, very troublefome. On the firft appearance of a rupture between Great-Britain and her colonies, the attention of both parties was engaged to fecure their friendfhip. Many circumftances had concurred to give them unfavourable impreffions of the Americans. For feveral years the management of them had been excluſively committed to John Stuart, efquire, an officer of the crown, and wholly devoted to the royal intereft. This gentleman had been a provincial officer, and was in fort Loudon about the year 1760 when it furrendered to the Cherokees. The mafacre of that garrifon, the hardfhips he underwent in efcaping only with life, and the dif-

tress of a numerous young family, touched the feelings of the assembly of South-Carolina. They gave him a present of fifteen hundred pounds currency, and recommended him, through the governor, to the King's service. In consequence of this he was appointed superintendent of Indian affairs. Great were the obligations he owed to South-Carolina ; but, being in the immediate service of his Britannick majesty, he conceived himself under superior obligations to exert his influence to attach the Indians to the royal interest. The state of publick affairs in the colonies furnished him with many plausible arguments subservient to this design. The non-importation agreement, adopted by the Americans, not only disabled them from supplying the wants of the Indians, but precluded the possibility of their receiving royal presents. This interruption of the commerce, usual between the white inhabitants and their savage neighbours, gave Mr. Stuart an opportunity of exasperating the Indians against the friends of Congress. It was easy for him to persuade them that the colonists had begun an unprovoked opposition to Great-Britain, and, to effect their purposes, had adopted resolutions which prevented the Indians from receiving their yearly supply of arms, ammunition and clothing. It might be plausibly suggested to the uninformed savages, that, if their white neighbours should succeed in opposing Great-Britain, they would probably next aim at the extirpation of their red brethren.

IN the years 1760 and 1761, a war with the Cherokee Indians had involved the inhabitants of South-Carolina in great distress. On that occasion they courted the aid of the King's troops in America. In fifteen years after, when the people of the same country dared to resist the parent state, it was supposed, by the friends of royal government, that the horrors of an Indian war would once more bring the province to sue for British protection.

THE above-mentioned Mr. John Stuart, very early in the contest, retired from South-Carolina to West-Florida, and from that province employed his brother Henry Stuart, Mr. Cameron and others, to penetrate into the Indian country to the westward of Carolina. A plan was settled by him, in concert with the King's governors and other royal servants, to land a British army in Florida, and to proceed with it to the western frontiers of the southern states, and there, in conjunction with the Tories and Indians, to fall on the friends of the revolution, at the same time that a fleet and army should invade them on the sea coast. <sup>r</sup> Moses Kirkland, who has already been mentioned as a leader of the party for royal government in the back parts of South-Carolina, was confidentially employed by John Stuart, governor Tonyn, and other royal servants, to the southward, to concert with general Gage, the commander of the British forces in Boston, the necessary

<sup>r</sup> See note xvii.



necessary means for accomplishing the above-mentioned scheme. The whole plan was fully detected by the providential capture of the vessel which was conveying Kirkland to Boston. The letters found in his possession were published by the order of Congress, and produced conviction in the minds of the Americans, that the British administration, in order to effect their schemes, had employed savages, who indiscriminately murder men, women and children, to commence hostilities on their western brethren. Though the discovery of the British designs, and the capture of Kirkland, who was to have had an active share in the execution of them, in a great degree frustrated the views of the royal servants; yet so much was carried into effect, that the Cherokee Indians began their massacres at the very time the British fleet attacked the fort on Sullivan's island.

THE Americans very early paid attention to their savage neighbours. They appointed commissioners to explain to them the grounds of the dispute between Great-Britain and her colonies, and to cultivate with them a friendly correspondence. As far as they possibly could, they supplied their wants. They endeavoured to persuade the Indians that the quarrel was by no means relative to them, and that therefore they should take part with neither side. These moderate propositions were over-ruled by the superior influence of the royal superintendent, who had their previous confidence, and more ample means of administering



ministering to their necessities. An Indian war commenced, and was carried on with its usual barbarity. The speedy departure of the British fleet from the sea coast, after their unsuccessful attack of the fort on Sullivan's island, gave an opportunity to concentrate the whole force of the state for the due chastisement of the savage invaders. Though the British plan of a co-operation with the tories and Indians was for the present frustrated, yet the probability that it would again be resumed, determined the popular leaders to make a vigorous expedition into the country of the Cherokees, that they in future might be deterred from acting in concert with the British administration. A conjunct attack on their settlements over the mountains was agreed upon by the southern states. Colonel Williamson, of the district of Ninety-six, was chosen by the government of South-Carolina to command their forces on this occasion. The sixth regular regiment, part of the third, and a large body of militia, were put under his command. About the same time, and on the same business, general Rutherford, with upwards of nineteen hundred men, from the state of North-Carolina, crossed the mountains. In their passage through the Indian country the forces, under the command of colonel Williamson, were two or three times briskly attacked, but they finally repulsed the assailing savages. The Americans on this occasion traversed their whole country, and laid waste their fields of corn.—Above five hundred of the Cherokees were obliged,

obliged, by their distress for want of provisions, to take refuge with John Stuart in West-Florida, where they were fed at the expence of the British government. The Indian settlements to the northward were at the same time invaded by a party of Virginia militia, commanded by colonel Christie, and to the southward by the Georgia militia, commanded by colonel Jack. Dismal was the wilderness through which the Americans had to pass. Many were the dangers to which they were exposed from dark thickets and rugged paths. They were frequently obliged to pass through narrow defiles, in which small parties might harass the bravest and most numerous army in the world. They had to cross rivers, fordable only at one place, and overlooked by high banks, from which an enemy might attack with advantage, and retreat with safety. They could have no accommodations but a few plain necessities carried on pack-horses. They, for the most part, slept in the open air, and experienced all the inconveniencies of a savage life.

THE unfortunate misled Indians, finding themselves attacked on all sides, sued in the most submissive terms for peace. <sup>s</sup> A treaty between them and the state took place, at which commissioners from Georgia attended, who concurred in and signed the articles of pacification. By this treaty the Indians ceded a considerable part of their land to the state of South-Carolina. <sup>t</sup> To preserve

<sup>s</sup> See note XVIII.

<sup>t</sup> See note XIX.

preserve peace and good order a fort, called Fort Rutledge, was erected at Seneca, and garrisoned by two independent companies. A friendly intercourse between the savages and white inhabitants took place. Agriculture flourished, and every thing remained quiet till the year 1780.

NONE of all the expeditions before undertaken against the savages had been so successful as this first effort of the new-born commonwealth. In less than three months, viz. from the 15th of July to the 11th of October 1776 the business was completed, and the nation of the Cherokees so far subdued as to be incapable of annoying the settlements. The whole loss of the Americans in the expedition did not exceed fifty men, but in this number was that worthy citizen Mr. Francis Salvador.

FROM the double success of this campaign, in repelling the British and conquering the savages, the people of South-Carolina began to be more and more convinced that the leading-strings of the mother-country were less necessary than in the days of their infancy. Through the whole of this year, though the arms of the British were successful to the northward, their interest to the southward declined. Every plan, for their acting in concert with the tories and Indians, proved abortive. Hard would it have been for the whigs of South-Carolina to have opposed so formidable a combination, could the friends of Britain have succeeded

succeeded in their scheme of acting at one and the same time : but, through the kindness of Heaven, the favourers of the revolution had the opportunity of attacking them separately, and of successively pouring their whole force, and also that of a considerable aid from their neighbours, on the tories, the British, and the Indians. The first, from their premature insurrection, were crushed before their British friends arrived. The last were abandoned to the resentments of the state, by the royal fleet and army precipitately leaving the coast, and under the smiles of Heaven, all three were vanquished by the infant American republicks. The means adopted by the British to crush the friends of the Congress were providentially over-ruled, so as to produce the contrary effect. Their exciting Indians to massacre the defenceless frontier settlers increased the unanimity of the inhabitants, and invigorated their opposition to Great-Britain. Several who called themselves tories in 1775 became active whigs in 1776, and cheerfully took up arms in the first instance against Indians, and in the second against Great-Britain, as the instigator of their barbarous devastations. Before this event some well-meaning people could not see the justice or propriety of contending with their formerly protecting parent-state ; but Indian cruelties, excited by royal artifices, soon extinguished all their predilection for the country of their forefathers.

THE expedition into the Cherokee settlements  
diffused



diffused military ideas, and a spirit of enterprize among the inhabitants. It taught them the necessary arts of providing for an army, and gave them experience in the business of war. The new arrangements, civil and military, were followed with that energy and vigour which is acquired by an individual or a collective body of people acting from the impulse of their own minds. From causes like these we shall find, in the course of this history, the peaceable inhabitants of a whole state transformed from planters, merchants and mechanicks, into an active disciplined military body, and a well-regulated self-governed community.

## CHAPTER



## CHAPTER SEVENTH.

*Of independence, the alliance with France, the confederation, and the state of publick affairs in South-Carolina prior to the reduction of Savannah in December 1778.*

NOTWITHSTANDING the nominal existence of royal authority in South-Carolina, an independent government had a virtual operation from the 6th of July 1774. This was at first by conventions, committees and congresses, whose resolutions had the fullest force of law, on a people who thought that their liberties were endangered, and that their only safety consisted in union. It was afterwards reduced into a more regular form in March 1776; but all these institutions were temporary, and looked forward to an accommodation with Great-Britain. The act of final separation from the mother-country could not be the work of any one state. Every thing of that magnitude was referred to the continental Congress, to whose general superintendance the individual colonies had voluntarily submitted. That august assembly, at their first meeting in 1774, petitioned the King, and addressed the people, of Great-Britain, for a redress of their grievances. In the year 1775 they renewed their supplications to their sovereign, in which they prayed that his majesty would be pleased ‘to direct some mode by which the united application of his  
‘ faithful

' faithful colonists to the throne, in presence of  
 ' their common councils, might be improved into  
 ' a happy and permanent reconciliation ; and that,  
 ' in the mean-time, measures might be taken for  
 ' preventing the farther destruction of his ma-  
 ' jesty's subjects.' <sup>v</sup> They also a second time ad-  
 dressed the people of Great-Britain, in which they  
 apprized them of their fixed resolution to defend  
 their liberties, but at the same time disclaimed  
 every wish of independence, or any thing more  
 than the secure enjoyment of their ancient rights  
 and privileges. <sup>u</sup> They asked for peace, but the  
 sword was tendered—for liberty, but nothing  
 short of unconditional submission was offered.  
 Their petitions received no answer. And all the  
 inhabitants of the colonies were, by an act of par-  
 liament passed December 21, 1775, thrown out  
 of the King's protection. This was a legal dis-  
 charge from their allegiance to the King of Great-  
 Britain, and placed the colonies in a state of na-  
 ture, at full liberty to provide for their own safe-  
 ty, by entering into any new social compact which  
 they approved. Though the refusal of protection  
 was a legal justification of their conduct in with-  
 holding allegiance, yet independence was untried  
 ground, and could not at once gain the plenary  
 approbation of colonies which had long flourished  
 under royal protection. The minds of the inha-  
 bitants were overcast with fears, and tossed in a  
 tumult of uncertainty. Their resolution was fixed  
 never to submit to the claims of the British par-  
 liament,

<sup>v</sup> See note xx.      <sup>u</sup> See note xxi.

liament, but how to extricate themselves from surrounding difficulties was a question that embarrassed their wisest politicians. While they were in this state of feverish anxiety, a pamphlet, under the signature of Common Sense, written by Mr. Thomas Paine, made its appearance. It proved the necessity, the advantages, and practicability of independence. It satisfied a great majority of the people that it was their true interest immediately to cut the Gordian knot which bound the American colonies to Great-Britain, and to open their commerce, as an independent people, to all the nations of the world. Nothing could be better timed than this performance. It found the colonists greatly exasperated against the mother-country, most thoroughly alarmed for their liberties, and disposed to do and suffer every thing that bid fairest for their establishment. In unison with the feelings and sentiments of the people, it produced most astonishing effects. It was read by almost every American, and, in conjunction with the cruel policy of Great-Britain, was, by the direction of Providence, instrumental in effecting an unexampled unanimity in favour of independence. The decisive genius of Christopher Gadsden in the south, and of John Adams in the north, at a much earlier day, might have desired the complete separation of America from Great-Britain—but till the year 1776—the rejection of the second petition of Congress—and the appearance of Mr. Paine's pamphlet—a reconciliation with the mother-country was the unanimous wish of almost every other American.

BEFORE the Congress ventured on the important step of changing the sovereignty of the colonies, they sent forth a resolution, on the 15th of May 1776, recommending to all of them to institute forms of government.<sup>w</sup> This was intended to ascertain the sense of the inhabitants on the important question of independence. In adopting this measure Congress, instead of leading, only followed the voice of the people. South-Carolina had for near two months been in possession of a regular government. Other states were engaged in framing their constitutions, and instructions were soon given by almost all the thirteen colonies to their deputies in Congress to concur in formally renouncing the sovereignty of Great-Britain. Independence was finally decided on in Congress, and declared in Philadelphia, on the 4th of July 1776, in the following words :

‘ I N C O N G R E S S ,

‘ J U L Y 4 , 1776.

‘ A declaration by the representatives of the United  
‘ States of America, in Congress assembled.

‘ W H E N , in the course of human events, it  
‘ becomes necessary for one people to dissolve the  
‘ political bands which have connected them with  
‘ another, and to assume, among the powers of  
‘ the earth, the separate and equal station to  
‘ which the laws of nature and of nature’s God  
‘ entitle them, a decent respect to the opinions  
‘ of

<sup>w</sup> See note xxii.



‘ of mankind requires that they should declare  
 ‘ the causes which impel them to the separation.

‘ WE hold these truths to be self-evident ; that  
 ‘ all men are created equal ; that they are en-  
 ‘ dowed by their Creator with certain unalienable  
 ‘ rights ; that among these are life, liberty, and  
 ‘ the pursuit of happiness. That, to secure these  
 ‘ rights, governments are instituted among men,  
 ‘ deriving their just powers from the consent of  
 ‘ the governed ; that whenever any form of go-  
 ‘ vernment becomes destructive of these ends, it  
 ‘ is the right of the people to alter or to abolish  
 ‘ it, and to institute new government, laying its  
 ‘ foundation on such principles, and organizing  
 ‘ its powers in such form, as to them shall seem  
 ‘ most likely to effect their safety and happiness.  
 ‘ Prudence, indeed, will dictate that governments  
 ‘ long established should not be changed for light  
 ‘ and transient causes ; and accordingly all expe-  
 ‘ rience hath shewn, that mankind are more dis-  
 ‘ posed to suffer, while evils are sufferable, than  
 ‘ to right themselves by abolishing the forms to  
 ‘ which they are accustomed. But when a long  
 ‘ train of abuses and usurpations, pursuing inva-  
 ‘ riably the same object, evinces a design to re-  
 ‘ duce them under absolute despotism, it is their  
 ‘ right, it is their duty, to throw off such go-  
 ‘ vernment, and to provide new guards for their  
 ‘ future security. Such has been the patient suf-  
 ‘ ferance of these colonies ; and such is now the  
 ‘ necessity which constrains them to alter their  
 ‘ former



‘ former systems of government. The history  
 ‘ of the present King of Great-Britain is a history  
 ‘ of repeated injuries and usurpations, all having  
 ‘ in direct object the establishment of an absolute  
 ‘ tyranny over these states. To prove this, let  
 ‘ facts be submitted to a candid world.

‘ HE has refused his assent to laws, the most  
 ‘ wholesome and necessary for the publick good.

‘ HE has forbidden his governors to pass laws  
 ‘ of immediate and pressing importance, unless  
 ‘ suspended in their operation till his assent should  
 ‘ be obtained; and when so suspended he has  
 ‘ utterly neglected to attend to them.

‘ HE has refused to pass other laws for the ac-  
 ‘ commodation of large districts of people, unless  
 ‘ those people would relinquish the right of repre-  
 ‘ sentation in the legislature, a right inestimable  
 ‘ to them, and formidable to tyrants only.

‘ HE has called together legislative bodies at  
 ‘ places unusual, uncomfortable, and distant from  
 ‘ the depository of their publick records, for the  
 ‘ sole purpose of fatiguing them into compliance  
 ‘ with his measures.

‘ HE has dissolved representative houses repeat-  
 ‘ edly, for opposing, with manly firmness, his in-  
 ‘ vasions on the rights of the people.

‘ HE

‘ HE has refused, for a long time after such  
 ‘ dissolutions, to cause others to be elected;  
 ‘ whereby the legislative powers, incapable of an-  
 ‘ nihilation, have returned to the people at large  
 ‘ for their exercise; the state remaining in the  
 ‘ mean-time exposed to all the danger of invasion  
 ‘ from without, and convulsions within.

‘ HE has endeavoured to prevent the popula-  
 ‘ tion of these states; for that purpose obstruct-  
 ‘ ing the laws for naturalization of foreigners;  
 ‘ refusing to pass others to encourage their migra-  
 ‘ tions hither, and raising the conditions of new  
 ‘ appropriations of lands.

‘ HE has obstructed the administration of jus-  
 ‘ tice, by refusing his assent to laws for establishing  
 ‘ judiciary powers.

‘ HE has made judges dependent on his will  
 ‘ alone, for the tenure of their offices, and the  
 ‘ amount and payment of their salaries.

‘ HE has erected a multitude of new offices,  
 ‘ and sent hither swarms of officers to harass our  
 ‘ people, and eat out their substance.

‘ HE has kept among us, in times of peace,  
 ‘ standing armies, without the consent of our  
 ‘ legislatures.

‘ HE has affected to render the military  
 ‘ independent

‘ independent of, and superior to, the civil  
‘ power.

‘ HE has combined with others to subject us to  
‘ a jurisdiction foreign to our constitution, and  
‘ unacknowledged by our laws; giving his assent  
‘ to their acts of pretended legislation :

‘ For quartering large bodies of armed troops  
‘ among us :

‘ For protecting them, by a mock trial, from  
‘ punishment for any murders which they should  
‘ commit on the inhabitants of these states :

‘ For cutting off our trade with all parts of the  
‘ world :

‘ For imposing taxes on us without our con-  
‘ sent :

‘ For depriving us, in many cases, of the bene-  
‘ fits of trial by jury :

‘ For transporting us beyond seas to be tried  
‘ for pretended offences :

‘ For abolishing the free system of English laws  
‘ in a neighbouring province, establishing therein  
‘ an arbitrary government, and enlarging its boun-  
‘ daries, so as to render it at once an example  
‘ and fit instrument for introducing the same  
‘ absolute rule into these colonies :

‘ For taking away our charters, abolishing our  
‘ most valuable laws, and altering fundamentally  
‘ the forms of our governments :

‘ For suspending our own legislatures, and  
‘ declaring themselves invested with power to  
‘ legislate for us in all cases whatsoever.

‘ HE has abdicated government here, by declaring us out of his protection, and waging war against us.

‘ HE has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

‘ HE is, at this time, transporting large armies of foreign mercenaries to complete the works of death, desolation and tyranny, already begun with circumstances of cruelty and perfidy, scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

‘ HE has constrained our fellow-citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

‘ HE has excited domestick insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes and conditions.

‘ IN every stage of these oppressions we have petitioned for redress in the most humble terms : our repeated petitions have been answered only by repeated injury. A prince, whose character  
‘ is

‘ is thus marked by every act which may define  
 ‘ a tyrant, is unfit to be the ruler of a free people.

‘ NOR have we been wanting in attention to  
 ‘ our British brethren. We have warned them  
 ‘ from time to time of attempts made by their  
 ‘ legislature to extend an unwarrantable jurisdiction  
 ‘ over us. We have reminded them of the  
 ‘ circumstances of our emigration and settlement  
 ‘ here. We have appealed to their native justice  
 ‘ and magnanimity, and we have conjured them,  
 ‘ by the ties of our common kindred, to disavow  
 ‘ these usurpations, which would inevitably interrupt  
 ‘ our connections and correspondence. They  
 ‘ too have been deaf to the voice of justice and of  
 ‘ confanguinity. We must, therefore, acquiesce  
 ‘ in the necessity, which denounces our separation,  
 ‘ and hold them, as we hold the rest of mankind,  
 ‘ enemies in war, in peace friends.

‘ WE, therefore, the representatives of the  
 ‘ United States of America, in general Congress  
 ‘ assembled, appealing to the Supreme Judge of  
 ‘ the world for the rectitude of our intentions, do,  
 ‘ in the name and by the authority of the good  
 ‘ people of these colonies, solemnly publish and  
 ‘ declare, That these United Colonies are, and of  
 ‘ right ought to be, FREE and INDEPENDENT  
 ‘ STATES; that they are absolved from all allegiance  
 ‘ to the British crown; and that all political  
 ‘ connection between them and the state of Great-  
 ‘ Britain is and ought to be totally dissolved; and  
 ‘ that



' that as free and independent states, they have  
 ' full power to levy war, conclude peace, con-  
 ' tract alliances, establish commerce, and to do all  
 ' other acts and things which independent states  
 ' may of right do. And for the support of this  
 ' declaration, with a firm reliance on the protec-  
 ' tion of Divine Providence, we mutually pledge  
 ' to each other our lives, our fortunes, and our  
 ' sacred honour.

‘ J O H N    H A N C O C K .

‘ NEW-HAMPSHIRE,	{ Josiah Bartlett, William Whipple, Matthew Thornton.
‘ MASSACHUSETTS-BAY,	{ Samuel Adams, John Adams, Robert-Treat Paine, Elbridge Gerry.
‘ RHODE-ISLAND, &c.	{ Stephen Hopkins, William Ellery.
‘ CONNECTICUT,	{ Roger Sherman, Samuel Huntington, William Williams, Oliver Wolcott.
‘ NEW-YORK,	{ William Floyd, Philip Livingston, Francis Lewis, Lewis Morris.

‘ NEW-JERSEY.

NEW-JERSEY,

{ Richard Stockton,  
John Witherspoon,  
Francis Hopkinson,  
John Hart,  
Abraham Clark.

PENNSYLVANIA,

{ Robert Morris,  
Benjamin Rush,  
Benjamin Franklin,  
John Morton,  
George Clymer,  
James Smith,  
George Taylor,  
James Wilson;  
George Ross.

DELAWARE,

{ Cæsar Rodney,  
George Read.

MARYLAND,

{ Samuel Chase,  
William Paca,  
Thomas Stone,  
Charles Carroll, of  
Carrollton.

VIRGINIA,

{ George Wythe,  
Richard-Henry Lee,  
Thomas Jefferson,  
Benjamin Harrison,  
Thomas Nelson, jun.  
Fran. Lightfoot Lee,  
Carter Braxton.

NORTH-CAROLINA,

{ William Hooper,  
Joseph Hewes,  
John Penn.

SOUTH-CAROLINA,

‘ SOUTH-CAROLINA,	{ Edward Rutledge, Tho. Heyward, jun. Thomas Lynch, jun. Arthur Middleton.
‘ GEORGIA,	{ Button Gwinnett, Lyman Hall, George Walton.’

FROM this moment every thing assumed a new appearance. The Americans no longer appeared in the character of subjects in arms against their sovereign, but as an independent people, repelling the attacks of an invading foe. The propositions and supplications for reconciliation were done away. The dispute was brought to a single point, whether the late British colonies should be conquered, enslaved provinces, or free and independent states. This decisive measure was adopted without assurances of aid from any foreign power, and in the face of a British force of fifty thousand men, and at a time when Congress had no regular forces, but about twenty-five thousand which had been enlisted only for a few months, without any view to independence. In a few days after it was received in Charleston, and proclaimed in the most solemn manner to the troops under arms. This was followed with the firing of guns, ringing of bells, acclamations of the people, and all the usual parade of a publick rejoicing. The declaration of independence arrived in Charleston at a most favourable juncture. It found the people of South-Carolina exasperated  
against

against Great-Britain for her late hostile attack, and elevated with their successful defence of Fort Moultrie. It was welcomed by a great majority of the inhabitants. In private it is probable that some condemned the measure, as rashly adventurous beyond the ability of the state; but these private murmurs never produced to the publick ear a single expression of disapprobation.

WHEN president Rutledge officially transmitted to the legislature of the state the act of Congress on the subject of independence, it was received with transports of joy by the legislative-council and general assembly. The former expressed their sentiments in the following words :

‘ THE declaration of the continental Congress  
 ‘ that the United Colonies are, and of right  
 ‘ ought to be, free and independent states ; that  
 ‘ they are absolved from all allegiance to the Bri-  
 ‘ tish crown ; and that all political connection be-  
 ‘ tween them and the state of Great-Britain is  
 ‘ and ought to be totally dissolved ; calls forth all  
 ‘ our attention. It is an event which necessity  
 ‘ had rendered not only justifiable, but absolutely  
 ‘ unavoidable. It is a decree now worthy of  
 ‘ America. We thankfully receive the notifica-  
 ‘ tion of, and rejoice at it ; and we are determined  
 ‘ at every hazard to endeavour to maintain it,  
 ‘ that so, after we have departed, our children  
 ‘ and their latest posterity may have cause to bless  
 ‘ our memory.’

THE general assembly expressed their approbation in the following address:

‘ IT is with the most unspeakable pleasure we  
 ‘ embrace this opportunity of expressing our joy  
 ‘ and satisfaction in the declaration of the conti-  
 ‘ nental Congress, declaring the United Colonies  
 ‘ free and independent states, absolved from al-  
 ‘ legiance to the British crown, and totally dis-  
 ‘ solving all political union between them and  
 ‘ Great-Britain—an event unfought for, and now  
 ‘ produced by unavoidable necessity, and which  
 ‘ every friend to justice and humanity must not  
 ‘ only hold justifiable as the natural effect of un-  
 ‘ merited persecution, but equally rejoice in, as  
 ‘ the only effectual security against injuries and  
 ‘ oppressions, and the most promising source of  
 ‘ future liberty and safety.’

AFTER the termination of the unsuccessful at-  
 tack on the fort on Sullivan’s island in June 1776,  
 the British arms were for more than two years  
 wholly employed to the northward. During this  
 period South-Carolina felt very few of the incon-  
 veniencies which were then grinding their bre-  
 thren to the northward. They were in possession  
 of a lucrative commerce, and comparatively hap-  
 py. In the year 1777 and 1778 Charleston was  
 the mart for supplying with goods most of the  
 states to the southward of New-Jersey. Many  
 hundred waggons were employed in this inland  
 traffick.



traffick. At no period of peace were fortunes more easily or more rapidly acquired.

WHILE Congress vigorously opposed Great-Britain from their own resources, they did not neglect the important business of negotiation. The friendship of foreign powers, particularly of the ancient and powerful monarchy of France, was, from the declaration of independence, earnestly desired by the new-formed states of America. Those who write the general history of American affairs, will enter into a detail of the circumstances which, for some time, delayed the ratification of a treaty that was early proposed between the Congress and his most christian majesty. In this partial view of the revolution suffice it to say, that the commissioners of the United States could not have addressed themselves to the court of France in more favourable circumstances. The throne was filled by a prince in the flower of his age, animated with a desire of rendering his reign illustrious. The means employed for this purpose by his most christian majesty were virtue, justice and firmness, tempered with moderation. The Count de Vergennes, the faithful servant of this Monarch, had grown old in political knowledge, and was well satisfied that conquests are neither the shortest nor the surest way to true greatness.—That if monarchs desired to aggrandize their reigns, or to render themselves the arbiters of surrounding nations, they must exercise moderation, and shew themselves the pa-

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trons of the weak and the oppressed, without taking any advantage of their humble situation.

UNDER the influence of these principles, on the 6th of February 1778, his most christian majesty Louis the Sixteenth entered into treaties of amity and commerce and of alliance with the American commissioners at Paris, on the footing of the most perfect equality and reciprocity. By the latter of these that illustrious monarch became the guarantee of the sovereignty and independence of the thirteen United States of North-America.<sup>x</sup> Such a powerful Ally, added to the natural force of America, alarmed the fears of Great-Britain, and induced her to make an effort in the way of negotiation to recover her late colonies. Governor Johnstone, Lord Carlisle and Mr. Eden, were appointed commissioners on the part of Great-Britain, to come to America, and to offer Congress a relinquishment of the parliamentary exercise of taxation, and to confirm them in every immunity consistent with an union of force.<sup>y</sup> So expeditious was the court of Great-Britain in proposing these overtures, that the bills containing them were read in Congress eleven days prior to any information received by that body of the alliance with France being signed. A firm determination, under no change of fortune whatever to recede from their declaration of independence, prompted Congress in the first instance to reject the proposals of a REUNION with Great-Britain.

<sup>x</sup> See note XXIII. <sup>y</sup> See note XXIV.

Britain.<sup>z</sup> After their connection with France was known, gratitude and national faith were additional incentives to continue in the same line of conduct.

WHEN the alliance with France was announced in South-Carolina, it diffused a general joy. It not only gave confidence to all in the final establishment of their independence, but reconciled them to the calamities of war. They viewed their misfortunes only as temporary, and looked forward to a speedy peace, when all their wishes in favour of their country would be realized. The conduct of Congress, in instantly rejecting the offers of the commissioners, was in all companies applauded. Their proposals were considered as an insult offered to the United States. The second petition of Congress had not asked so much as was then offered. At that period the propositions of Great-Britain would have been gladly accepted, but to that petition the King of Great-Britain refused an answer. After the colonies had declared themselves independent states—had pledged their honour to abide by that declaration—had, under the smiles of Heaven, maintained it for three campaigns without foreign aid—After the greatest monarch in Europe had entered into a treaty with them, and guarantied their independence—After all this to degrade themselves from the rank of freemen to that of subjects—from sovereign states to dependent provinces—were propositions no where less relished than by the citizens

<sup>z</sup> See note xxv.

tizens of South-Carolina. The tide was fairly turned. Instead of that hankering after Great-Britain, which had made a separation painful, the current of popular opinions and prejudices ran strong in an opposite direction. Several of the royalists, who before had taken part with the British, joined their countrymen, and took the oaths to the new government. Some cautious minded men, who heretofore had preferred private to publick security, after these events, deposited large sums in the publick funds, on the faith of the new government.

ON a review of the transactions between Great-Britain and America from the year 1774 to the year 1778, an attentive observer cannot but remark four different periods, in each of which the contest between the two countries assumed a new complexion. The parliamentary claims of unlimited supremacy—the Boston port-act—the abolition of the charter of Massachusetts—and the other acts of the like tendency, passed about the same time—roused the colonies in 1774 to the appointment of a Congress, and to a declaration of their exclusive right to tax themselves, and regulate their own internal polity. To obtain a repeal of thirteen acts of parliament, which infringed upon these claims, they petitioned the King of Great-Britain, and associated to suspend all trade till this repeal should be obtained. The success that had followed two former attempts of this kind, flattered them that their present wishes would



would soon be fully gratified. They therefore very generally came into the measure, without foreseeing all the consequences, and without intending any thing farther than such a commercial opposition as would interest the West-Indians and British merchants in their behalf. The refusal of this first petition, and the subsequent commencement of hostilities on the part of Great-Britain, produced in the colonists a determination to oppose force to force. A military opposition was therefore adopted about the middle of the year 1775, but without a design of effecting a separation from Great-Britain. At this second stage of the quarrel the Congress prepared a second petition, praying for the repeal of the obnoxious acts. To give weight to this renewed application to the throne, and to rouse the people of England to a sense of the probable consequences of their persisting in the war, they formed a temporary army, and published to the world their resolution of defending their liberties at every hazard.<sup>aa</sup> Still nothing farther was intended than a redress of grievances. The rejection of this second petition—the determination to wage war in full form against the colonists—and the act of parliament putting the whole of them out of the King's protection—gave birth to a third and unforeseen measure—the declaration of independence. Without this they must either have submitted with their grievances unredressed, or carried on a war under the appellation of subjects in

<sup>aa</sup> See note xxvi.



in arms against their acknowledged sovereign, in which case no foreign power could have openly assisted them. After this measure was adopted, a federal union might have taken place between Great-Britain and America, by which the former might have secured to herself a great part of the trade of the latter, without any expence on account of her civil establishments. Instead of proposing any thing of this kind, Great-Britain carried on the war for the campaigns of 1776 and 1777 professedly with a view to reduce them to unconditional submission, and offered nothing to the United States before April 1778, which they could with honour or safety accept. After a treaty had been concluded between France and America, Great-Britain sent out commissioners to offer Congress more than a repeal of the acts which were at first the source of the dispute. By this conduct she virtually acknowledged she had been hitherto in the wrong, and also gave the United States an opportunity of evincing to their new ally the sincerity of their engagements.

IF the Congress had at this late hour listened to the propositions of Great-Britain for a reunion, the world would have justly charged them with the want of honour and gratitude. They would also have forfeited the future confidence of every European power. It is also now known, by information since obtained, that even though the states of America had agreed with the royal commissioners,

missioners, the ruling-powers of Great-Britain would not have ratified the convention.

FROM this time forward commenced the fourth period of the contest. The colonies were not only lost to Great-Britain, but their whole weight was thrown into the opposite scale of France.

THOUGH the continental Congress, in conducting the opposition to the mother-country, did little more than give an efficient operation to the wishes of their constituents ; yet the British commissioners flattered themselves that an application to the local legislatures, and the people at large, would be more successful. They therefore next addressed themselves to the individual states, and denounced the extremities of war on those who continued to prefer the alliance with France to a reunion with Great-Britain.<sup>bb</sup> This did not produce the intimidation expected from it, nor were their proposals more favourably received by the local legislatures, or the people, than they had been by the continental Congress. When the flag arrived with their overtures separately addressed to the governor, the assembly, the military, the clergy and the people, of South-Carolina, it was detained in the road near the harbour of Charleston, till president Lowndes convened his council, and the heads or leading-men of the different orders of the inhabitants, to whom they were addressed. As soon as the let-  
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<sup>bb</sup> See note XXVII.

ters of the British commissioners were read to the gentlemen convened on this occasion, an unanimous resolution was adopted to order the flag-veffel immediately to depart the state. This was accompanied with a reprimand for attempting to violate the constitution of the country, by offering to negotiate with the state in its separate capacity.

THE inhabitants of the United States, adhering to their own declarations, and to their national engagements with France, persevered in refusing to reunite with Great-Britain, or to conclude a peace with her otherwise than on principles of independence, and in concert with their allies. To deter the British from executing their threats of laying waste the country, Congress recommended to such of the inhabitants of the United States as lived in places exposed to the ravages of the enemy, immediately to build huts at least thirty miles distant from their habitations, and to convey thither their women, children, and others not capable of bearing arms, together with their cattle and other moveable property. They also published to the world a resolution, and manifesto, setting forth their fixed purpose of retaliation, and appealing to Heaven for the rectitude of their intentions.<sup>cc</sup>

FROM the time of the declaration of independence the attention of Congress was engaged in framing

<sup>cc</sup> See note xxviii.

framing articles of confederation, to bind the thirteen states in one common bond of continental government. When this was agreed to by Congress, it was submitted to the different legislatures, accompanied with an address, of which the following is a part :

‘ CONGRESS having agreed upon a plan of  
 ‘ confederacy for securing the freedom, sovereign-  
 ‘ ty and independence of the United States, au-  
 ‘ thentick copies are now transmitted for the con-  
 ‘ fideration of the respective legislatures.

‘ THIS business, equally intricate and impor-  
 ‘ tant, has in its progress been attended with un-  
 ‘ common embarrassments and delay, which the  
 ‘ most anxious sollicitude and persevering diligence  
 ‘ could not prevent. To form a permanent union,  
 ‘ accommodated to the opinion and wishes of the  
 ‘ delegates of so many states, differing in habits,  
 ‘ produce, commerce and internal police, was  
 ‘ found to be a work which nothing but time and  
 ‘ reflection, conspiring with a disposition to con-  
 ‘ ciliate, could mature and accomplish.

‘ HARDLY is it to be expected that any plan, in  
 ‘ the variety of provisions essential to our union,  
 ‘ should exactly correspond with the maxims and  
 ‘ political views of every particular state. Let it  
 ‘ be remarked, that, after the most careful enqui-  
 ‘ ry and the fullest information, this is proposed  
 ‘ as the best which could be adapted to the cir-

‘ circumstances of all, and as that alone which affords  
 ‘ any tolerable prospect of a general ratification.

‘ PERMIT us, then, earnestly to recommend  
 ‘ these articles to the immediate and dispassionate  
 ‘ attention of the legislatures of the respective  
 ‘ states. Let them be candidly received under  
 ‘ a sense of the difficulty of combining, in one  
 ‘ general system, the various sentiments and in-  
 ‘ terests of a continent divided into so many so-  
 ‘ vereign and independent communities, under a  
 ‘ conviction of the absolute necessity of uniting  
 ‘ all our councils, and all our strength, to main-  
 ‘ tain and defend our common liberties. Let  
 ‘ them be examined with a liberality becoming  
 ‘ brethren and fellow-citizens, surrounded by the  
 ‘ same imminent dangers, contending for the same  
 ‘ illustrious prize, and deeply interested in being  
 ‘ for-ever bound and connected together by ties  
 ‘ the most intimate and indissoluble—and, final-  
 ‘ ly, let them be adjudged with the temper and  
 ‘ magnanimity of wise and patriotick legislators,  
 ‘ who, while they are concerned for the prosperity  
 ‘ of their own more immediate circle, are capable  
 ‘ of rising superior to local attachments, when  
 ‘ they may be incompatible with the safety, hap-  
 ‘ piness and glory of the general confederacy.  
 ‘ We have reason to regret the time which has  
 ‘ elapsed in preparing this plan for consideration ;  
 ‘ with additional solicitude we look forward to  
 ‘ that which must be necessarily spent before it  
 ‘ can be ratified. Every motive loudly calls upon  
 ‘ us to hasten its conclusion.’

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THE solemn discussion which this grand bond of foederal union underwent, both in Congress and the different states, delayed the subscription of it till the 9th of July 1778. Difficulties relative to the property and disposal of the back unappropriated lands occasioned some of the small states, who had no vacant western territory, to delay still longer. The small states, with great justice, contended that the unappropriated western country should be the common property of the union, and pledged as a fund for sinking the continental debt. Some explications on this subject having taken place, on the first of March 1781 the state of Maryland completed the confederation by their delegates subscribing the same. She concurred in this measure as well from a desire to perpetuate and strengthen the union, as from a confidence in the justice and generosity of the larger states—that, superior to local interests, they would consent to such arrangements of the unappropriated lands, included in their respective charters, as good policy required, and the great exertions of their state in the common cause had so highly deserved. By this common cement of the thirteen states the government of South-Carolina, as well as that of the other parts of the confederacy, has become somewhat complex. The individual states are sovereign in all matters of internal polity, but are subject to the control of Congress with respect to peace and war—sending and receiving ambassadors—building and equipping a navy—requisitions for men and money for the common.

common defence—regulating the alloy and value of coin—fixing the standard of weights and measures—regulating the trade, and managing all affairs with the Indians not members of any of the states—establishing and regulating post-offices from one state to another—establishing rules for deciding, in all cases, what captures on land or water shall be legal, or in what manner prizes shall be appropriated—granting letters of marque and reprisal in times of peace—appointing courts for the trial of piracies and felonies committed on the high seas—or of establishing courts for receiving and determining finally appeals in all cases of capture—and deciding, on appeal, all disputes and differences between two or more states concerning boundary jurisdiction, or any other cause whatever. It seems to have been the spirit of the confederation, that the separate states should be sovereign in all their internal concerns, but that they should be subject to Congress in all matters in which the whole union was interested, and for the effecting of which the separate local legislatures were inadequate.<sup>dd</sup> In return for this portion of sovereignty, delegated to the continental Congress, the individual states are entitled to the protection of the whole confederacy.

Soon after the British commissioners were convinced of the inefficacy of negotiation, to effect a reunion of the colonies with Great-Britain, the war recommenced, but entirely on a new system.

Hitherto

<sup>dd</sup> See note xxix.

Hitherto the conquest of America had been attempted by proceeding from north to south ; but that order was from this period inverted. The northern states in their turn obtained a diminution of their calamities, while South-Carolina, and the adjacent settlements, became the principal theatre of offensive operations.

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## N O T E I. P A G E 16.

*An act to discontinue, in such manner and for such time as are therein mentioned, the landing and discharging, lading and shipping of goods and wares, or merchandize, at the town, and within the harbour of Boston, in the province of Massachusetts-Bay, in North-America.*

**W**HEREAS dangerous commotions and insurrections have been fomented and raised in the town of Boston, in the province of Massachusetts-Bay, in New-England, by divers ill-affected persons, to the subversion of his majesty's government, and to the utter destruction of the publick peace and good order of the said town, in which commotions and insurrections certain

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valuable cargoes of teas, being the property of the East-India company, and on board certain vessels, lying within the bay or harbour of Boston, were seized and destroyed: and whereas, in the present condition of the said town and harbour, the commerce of his majesty's subjects cannot safely be carried on there, nor the customs, payable to his majesty, duly collected; and it is therefore expedient that the officers of his majesty's customs should be forthwith removed from the said town;

MAY it please your majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that, from and after the first day of June 1774, it shall not be lawful for any person or persons whatsoever, to lade or put, or cause to be laden and put, off and from any quay, wharf, or other place within the said town of Boston, or in or upon any part of the shore of the bay, commonly called the harbour of Boston, between a certain headland or point called Nahant-Point on the eastern side of the entrance into the said bay, and a certain other headland or point called Alderton-Point, on the western side of the entrance into the said bay, or in or upon any island, creek, landing-place, bank or other place, within the said bay or headlands, into any ship, vessel, lighter, boat, or bottom,

any

any goods, wares, or merchandize whatsoever, to be transported or carried into any other country, province or place whatsoever, or into any other part of the said province of the Massachusetts-Bay in New-England; or to take up, discharge, or lay on land, or cause or procure to be taken up, discharged, or laid on land, within the said town, or in or upon any of the places aforesaid, out of any boat, lighter, ship, vessel or bottom, any goods, wares or merchandize whatsoever, to be brought from any other country, province, or place, or any other part of the said province, of the Massachusetts-Bay, in New-England, upon pain of the forfeiture of the said goods; wares and merchandize, and of the said boat, lighter, ship, vessel or other bottom into which the same shall be put, or out of which the same shall be taken, and of guns, ammunition, tackle, furniture and stores, in or belonging to the same; and if any such goods, wares or merchandize, shall, within the said town, or in any the places aforesaid, be laden, or taken in from the shore, into any barge, hoy, lighter, wherry, or boat, from or out of any ship or vessel, coming in and arriving from any other country or province, or other part of the province of the Massachusetts-Bay in New-England, such barge, hoy, lighter, wherry or boat, shall be forfeited and lost.

AND be it further enacted by the authority aforesaid, that if any wharfinger, or keeper of any wharf,

wharf, crane or quay, or their servants, or any of them, shall take up and land, or knowingly suffer to be taken up and landed, or shall ship off, or suffer to be waterborne, at or from any of the said wharves, cranes or quays, any such goods, wares or merchandize; in every such case, all and every wharfinger and keeper of such wharves, cranes and quays, and every person whatsoever who shall be assisting, or otherwise concerned in the shipping, or in the loading, or putting on board any boat or other vessel, for that purpose, or in the unshipping such goods, wares and merchandize or to whose hands the same shall knowingly come, after the loading, shipping or unshipping thereof, shall forfeit and lose treble the value thereof, to be computed from the highest price which such sort of goods, wares and merchandize shall bear at the place where such offence shall be committed, at the time when the same shall be so committed, together with the vessels and boats, and all the horses, cattle and carriages whatsoever made use of in the shipping, unshipping, landing, removing, carriage or conveyance of any of the aforesaid goods, wares and merchandize.

AND be it further enacted by the authority aforesaid, that if any ship or vessel shall be moored, or lie at anchor, or be seen hovering within the said bay, described and bounded as aforesaid, or within one league of the said bay so described, or the said headlands, or any of the islands lying  
between



between or within the same, it shall and may be lawful for any admiral, chief commander, or commissioned officer, of his majesty's fleet or ships of war, or for any officer of his majesty's customs, to compel such ship or vessel to depart to some other port or harbour; or to such station as the said officer shall appoint, and to use such force for that purpose as shall be found necessary; and if such ship or vessel shall not depart accordingly, within six hours after notice for that purpose given by such persons as aforesaid, such ship or vessel, together with all the goods laden on board thereon, and all the guns, ammunition, tackle and furniture, shall be forfeited and lost, whether bulk shall have been broken or not.

PROVIDED always, that nothing in this act contained shall extend, or be construed to extend to any military or other stores for his majesty's use, or to the ships or vessels wherein the same shall be laden, which shall be commissioned by, and in the immediate pay of his majesty, his heirs or successors; nor to any fuel or victuals brought coastwise from any part of the continent of America, for the necessary use and sustenance of the inhabitants of the said town of Boston, provided the vessel wherein the same are to be carried shall be duly furnished with a cocket, and let pass after having been duly searched by the proper officer of his majesty's customs at Marblehead, in the port of Salem, in the said province of Massachusetts-Bay; and that some officer of his majesty's customs

customs be also there put on board the said vessel, who is hereby authorized to go on board, and proceed with the said vessel, together with a sufficient number of persons, properly armed for his defence, to the said town or harbour of Boston; nor to any ships or vessels which may happen to be within the said harbour of Boston, on or before the first day of June 1774, and may have either laden or taken on board, or be there with intent to load or take on board, or to land or discharge any goods, wares and merchandize, provided the said ships and vessels do depart the said harbour, within fourteen days after the said first day of June 1774.

AND be it further enacted by the authority aforesaid, that all seizures, penalties and forfeitures, inflicted by this act, shall be made and prosecuted by any admiral, chief commander, or commissioned officer of his majesty's fleet or ships of war, or by the officers of his majesty's customs, or some of them, or by some other person deputed or authorized by warrant from the lord high treasurer, or the commissioners of his majesty's treasury for the time being, and no other person whatsoever: and if any such officer, or other person authorized as aforesaid shall, directly or indirectly, take or receive any bribe or reward to connive at such lading or unlading, or shall make or commence any collusive seizure, information or agreement for that purpose, or shall do any other act whatsoever, whereby the  
goods,

goods, wares and merchandize prohibited as aforesaid, shall be suffered to pass either inwards or outwards, or whereby the forfeitures and penalties inflicted by this act may be evaded, every such offender shall forfeit the sum of five hundred pounds for every such offence, and shall become incapable of any office or employment civil or military : and every person who shall give, offer or promise, any such bribe or reward, or shall contract, agree, or treat with any person so authorized as aforesaid to commit any such offence, shall forfeit the sum of fifty pounds.

AND be it further enacted by the authority aforesaid, that the forfeitures and penalties inflicted by this act shall and may be prosecuted, sued for and recovered, and be divided, paid and applied, in like manner as other penalties and forfeitures inflicted by any act or acts of parliament, relating to the trade and revenues of the British colonies or plantations in America, are directed to be prosecuted, sued for or recovered, divided, paid and applied by two several acts of parliament, the one passed in the fourth year of his present majesty, entitled, ‘ An act for granting  
 ‘ certain duties in the British colonies and plantations in America, for continuing, amending  
 ‘ and making perpetual an act passed in the sixth  
 ‘ year of the reign of his late majesty King  
 ‘ George the second, entitled, An act for the  
 ‘ better securing and encouraging the trade of  
 ‘ his majesty’s sugar-colonies in America, for  
 ‘ applying

‘ applying the produce of such duties, and the  
 ‘ duties to arise by virtue of the aforesaid act to-  
 ‘ wards defraying the expences of protecting and  
 ‘ securing the said colonies and plantations ; for  
 ‘ explaining an act made in the twenty-fifth year  
 ‘ of the reign of King Charles the second, en-  
 ‘ titled, An act for the encouragement of the  
 ‘ Greenland and Eastland trades ; and for the  
 ‘ better securing the plantation trade ; and for  
 ‘ altering and disallowing several drawbacks on  
 ‘ exports from this kingdom ; and more effectually  
 ‘ preventing the clandestine conveyance of  
 ‘ goods to and from the said colonies and plan-  
 ‘ tations, and improving and securing the trade  
 ‘ between the same and Great-Britain :’ The  
 other passed in the eighth year of his present  
 majesty’s reign, entitled, ‘ An act for the more  
 ‘ easy and effectual recovery of the penalties and  
 ‘ forfeitures inflicted by the acts of parliament  
 ‘ relating to the trade or revenues of the British  
 ‘ colonies and plantations in America.’

AND be it further enacted by the authority  
 aforesaid, that every charter-party, bill of lading,  
 and other contract for consigning, shipping, or  
 carrying any goods, wares and merchandize  
 whatsoever, to or from the said town of Boston,  
 or any part of the bay or harbour thereof de-  
 scribed as aforesaid, which have been made or  
 entered into, or which shall be made or entered  
 into, so long as this act shall remain in full force,  
 relating to any ship which shall arrive at the said  
 town



town or harbour, after the first day of June 1774, shall be, and the same are hereby declared to be utterly void, to all intents and purposes whatsoever.

AND be it further enacted by the authority aforesaid, that whenever it shall be made to appear to his majesty in his privy-council, that peace and obedience to the laws shall be so far restored in the said town of Boston, that the trade of Great-Britain may be safely carried on there, and his majesty's customs duly collected, and his majesty, in his privy-council, shall adjudge the same to be true, it shall and may be lawful for his majesty, by proclamation, or order of council, to assign and point the extent, bounds and limits of the town and harbour of Boston, and of every creek or haven within the same, or in the islands within the precinct thereof; and also to assign and appoint such and so many places, quays and wharves, within the said harbour, creeks, havens and islands, for the landing, discharging, lading, and shipping of goods, as his majesty, his heirs or successors, shall judge necessary and expedient; and also to appoint such and so many officers of the customs therein as his majesty shall think fit; after which it shall be lawful for any person or persons to lade, or put off from, or to discharge and land upon, such wharves, quays and places, so appointed within the said harbour, and none other, any goods wares and merchandize whatever.



PROVIDED always, that if any goods, wares or merchandize, shall be laden or put off from, or discharged or landed upon, any other place, than the quays, wharves, or places so to be appointed, the same, together with the ships, boats, and other vessels employed therein, and the horses, or other cattle and carriages used to convey the same, and the person or persons concerned or assisting therein, or to whose hands the same shall knowingly come, shall suffer all the forfeitures and penalties imposed by this or any other act on the illegal shipping or landing of goods.

PROVIDED also, and it is hereby declared and enacted, that nothing herein contained shall extend, or be construed, to enable his majesty to appoint such port, harbour, creeks, quays, wharves, places, or officers, in the said town of Boston, or in the said bay or islands, until it shall sufficiently appear to his majesty, that full satisfaction hath been made by or on behalf of the inhabitants of the said town of Boston, to the united company of merchants of England, trading to the East-Indies, for the damages sustained by the said company, by the destruction of their goods sent to the said town of Boston, on board certain ships or vessels as aforesaid, and until it shall be certified to his majesty in council, by the governor or lieutenant-governor of the said province, that reasonable satisfaction hath been made to the officers of his majesty's revenue, and others who suffered by the riots and insurrections above-mentioned,

mentioned, in the months of November and December, in the year 1773, and in the month of January 1774.

AND be it further enacted by the authority aforesaid, that if any action or suit shall be commenced, either in Great-Britain or America, against any person or persons, for any thing done in pursuance of this act of parliament, the defendant or defendants in such action or suits, may plead the general issue, and give the said act, and the special matter in evidence, at any trial to be had thereupon, and that the same was done in pursuance, and by the authority of this act; and if it shall appear so to have been done, the jury shall find for the defendant or defendants; and if the plaintiff shall be non-suited, or discontinue his action, after the defendant or defendants shall have appeared; or if judgment shall be given on any verdict or demurrer against the plaintiff, the defendant or defendants shall recover treble costs, and have the like remedy for the same, as defendants have in other cases by law.

NOTE

## N O T E II. PAGE 16.

*An act for the better regulating the government of the province of the Massachusetts-Bay, in New-England.*

**W**HEREAS by letters patent under the great seal of England, made in the third year of the reign of their late majesties King William and Queen Mary, for uniting, erecting, and incorporating the several colonies, territories, and tracts of land therein mentioned, into one real province, by the name of their majesties province of the Massachusetts-Bay, in New-England, whereby it was, amongst other things, ordained and established, that the governor of the said province should, from thenceforth, be appointed and commissioned by their majesties, their heirs and successors : it was however granted and ordained, that from the expiration of the term, for, and during which the eight and twenty persons, named in the said letters patent, were appointed to be the first counsellors or assistants to the governor of the said province for the time being, the aforesaid number of eight and twenty counsellors or assistants should yearly, once in every year, for-ever thereafter, be, by the general court or assembly, newly chosen : and whereas the said method of electing such counsellors or assistants, to be vested with the several powers, authorities and privileges therein mentioned, although conformable

formable to the practice, theretofore used, in such of the colonies thereby united, in which the appointment of the respective governors had been vested in the general courts or assemblies of the said colonies, hath, by repeated experience, been found to be extremely ill-adapted to the plan of government established in the province of the Massachusetts-Bay, by the said letters patent herein before mentioned, and hath been so far from contributing to the attainment of the good ends and purposes thereby intended, and to the promoting of the internal welfare, peace and good government, of the said province, or to the maintenance of the just subordination to, and conformity with the laws of Great-Britain, that the manner of exercising the powers, authorities, and privileges aforesaid, by the persons so annually elected, hath for some time past been such as had the most manifest tendency to obstruct, and in great measure defeat the execution of the laws, to weaken the attachment of his majesty's well-disposed subjects in the said province to his majesty's government, and to encourage the ill-disposed among them to proceed even to acts of direct resistance to, and defiance of, his majesty's authority; and it hath accordingly happened, that an open resistance to the execution of the laws hath actually taken place in the town of Boston and the neighbourhood thereof, within the said province: and whereas it is, under these circumstances, become absolutely necessary, in order to the preservation of the peace and good order



order of the said province, the protection of his majesty's well-disposed subjects therein resident, the continuance of the mutual benefits arising from the commerce and correspondence between this kingdom and the said province, and the maintaining of the just dependence of the said province, upon the crown and parliament of Great-Britain, that the said method of annually electing the counsellors or assistants of the said province should no longer be suffered to continue, but that the appointment of the said counsellors or assistants should henceforth be put upon the like footing as is established in such other of his majesty's colonies or plantations in America, the governors whereof are appointed by his majesty's commission under the great seal of Great-Britain : Be it therefore enacted, by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, that, from and after the first day of August, one thousand seven hundred and seventy-four, so much of the charter granted by their majesties King William and Queen Mary, to the inhabitants of the said province of the Massachusetts-Bay, in New-England, and all and every clause, matter and thing, therein contained, which relates to the time and manner of electing the assistants or counsellors for the said province, be revoked, and are hereby revoked and made void and of

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none effect; and that the offices of all counsellors and assistants, elected and appointed in pursuance thereof, shall from thenceforth cease and determine: and that, from and after the said first day of August, one thousand seven hundred and seventy-four, the council or court of assistants of the said province, for the time being, shall be composed of such of the inhabitants or proprietors of lands within the same, as shall be thereunto nominated and appointed by his majesty, his heirs and successors, from time to time, by warrant under his or their signet, or sign-manual, and with the advice of the privy-council, agreeable to the practice now used in respect to the appointment of counsellors in such of his majesty's other colonies in America, the governors whereof are appointed by commission under the great seal of Great-Britain: provided, that the number of the said assistants or counsellors shall not at any one time exceed thirty-six, nor be less than twelve.

AND it is hereby further enacted, that the said assistants or counsellors, so to be appointed as aforesaid, shall hold their offices respectively, for and during the pleasure of his majesty, his heirs or successors, and shall have and enjoy all the powers, privileges and immunities, at present held, exercised, and enjoyed by the assistants or counsellors of the said province, constituted and elected from time to time, under the said charter, except as herein after excepted; and shall also, upon their admission into the said council,

and

and before they enter upon the execution of their offices, respectively take the oaths, and make, repeat and subscribe, the declarations required, as well by the said charter as by any law or laws of the said province now in force, to be taken by the assistants or counsellors, who have been so elected and constituted as aforesaid.

AND be it further enacted by the authority aforesaid, that, from and after the first day of July, one thousand seven hundred and seventy-four, it shall and may be lawful for his majesty's governor, for the time being, of the said province, or, in his absence, for the lieutenant-governor, to nominate and appoint, under the seal of the province, from time to time, and also to remove, without the consent of the council, all judges of the inferior courts of common-pleas, commissioners of oyer and terminer, the attorney-general, provosts, marshals, justices of the peace, and other officers to the council or courts of justice belonging; and that all judges in the inferior courts of common-pleas, commissioners of oyer and terminer, the attorney-general, provosts, marshals, justices, and other officer so appointed by the governor, or, in his absence, by the lieutenant-governor, alone, shall and may have, hold and exercise, their said offices, powers and authorities, as fully and completely, to all intents and purposes, as any judges of the inferior courts of common-pleas, commissioners of oyer and terminer,

miner, attorney-general, provosts, marshals or other officers, have or might have done heretofore under the said letters patent, in the third year of the reign of their late majesties King William and Queen Mary; any law, statute or usage, to the contrary notwithstanding.

PROVIDED always, and be it enacted, that nothing herein contained, shall extend, or be construed to extend, to annul or make void, the commission granted before the said first day of July, one thousand seven hundred and seventy-four, to any judges of the inferior courts of common-pleas, commissioners of oyer and terminer, the attorney-general, provosts, marshals, justices of the peace, or other officers; but that they may hold and exercise the same, as if this act had never been made, until the same shall be determined by death, removal by the governor, or other avoidance, as the case may happen.

AND be it further enacted by the authority aforesaid, that, from and after the said first day of July, one thousand seven hundred and seventy-four, it shall and may be lawful for his majesty's governor, or, in his absence, for the lieutenant-governor, for the time being, of the said province, from time to time, to nominate and appoint the sheriffs without the consent of the council, and to remove such sheriffs with such consent, and not otherwise.

AND be it further enacted by the authority aforesaid, that, upon every vacancy of the offices of chief-justice and judges of the superior court of the said province, from and after the said first day of July, one thousand seven hundred and seventy-four, the governor for the time being, or, in his absence, the lieutenant-governor, without the consent of the council, shall have full power and authority to nominate and appoint the persons to succeed to the said offices, who shall hold their commissions during the pleasure of his majesty, his heirs and successors; and that neither the chief-justice or judges appointed before the said first day of July, one thousand seven hundred and seventy-four, nor those who shall hereafter be appointed pursuant to this act, shall be removed unless by the order of his majesty, his heirs or successors, under his or their sign-manual.

AND whereas, by several acts of the general court, which have been from time to time enacted and passed within the said province, the freeholders and inhabitants of the several townships, districts and precincts; qualified as is therein expressed, are authorized to assemble together, annually or occasionally, upon notice given, in such manner as the said acts direct, for the choice of selectmen, constables and other officers, and for the making and agreeing upon such necessary rules, orders and by-laws, for the directing, managing and ordering, the prudential affairs of  
such



such townships, districts and precincts, and for other purposes : and whereas, a great abuse has been made of the power of calling such meetings, and the inhabitants have, contrary to the design of their institution, been misled to treat upon matters of the most general concern, and to pass many dangerous and unwarrantable resolves : for remedy whereof, be it enacted, that, from and after the said first day of August, one thousand seven hundred and seventy-four, no meeting shall be called by the selectmen, or at the request of any number of freeholders of any township, district or precinct, without the leave of the governor, or, in his absence, of the lieutenant-governor, in writing, expressing the special business of the said meeting, first had and obtained, except the annual meeting in the months of March or May, for the choice of selectmen, constables and other officers, or except for the choice of persons to fill up the offices aforesaid, on the death or removal of any of the persons first elected to such offices, and also, except any meeting for the election of a representative or representatives in the general court ; and that no other matter shall be treated of at such meetings, except the election of their aforesaid officers or representatives, nor at any other meeting, except the business expressed in the leave given by the governor, or, in his absence, by the lieutenant-governor.

AND whereas the method at present used in the province of Massachusetts-Bay, in America,  
of



of electing persons to serve on grand-juries, and other juries, by the freeholders and inhabitants of the several towns, affords occasion for many evil practices, and tends to pervert the free and impartial administration of justice: for remedy whereof, be it further enacted by the authority aforesaid, that, from and after the respective times appointed for the holding the general sessions of the peace in the several counties within the said province, next after the month of September, one thousand seven hundred and seventy-four, the jurors to serve at the superior courts of judicature, courts of assize, general gaol-delivery, general sessions of the peace, and inferior courts of common-pleas, in the several counties within the said province, shall not be elected, nominated or appointed, by the freeholders and inhabitants of the several towns within the said respective counties, nor summoned or returned by the constables of the said towns; but that from thenceforth, the jurors to serve at the superior courts of judicature, courts of assize, general gaol-delivery, general sessions of the peace, and inferior courts of common-pleas, within the said province, shall be summoned and returned by the sheriffs of the respective counties within the said province; and all writs of Venire Facias, or other process or warrants, to be issued for the return of jurors to serve at the said courts, shall be directed to the sheriffs of the said counties respectively; any law, custom or usage, to the contrary notwithstanding.

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PROVIDED always, and be it further enacted by the authority aforesaid, that where-ever the sheriff of any county shall happen to be a party, or interested or related to any party or person interested in any prosecution or suit depending in any of the said courts; that then, in such case, the writ of Venire Facias, or other process or warrant for the summoning and returning of a jury for the trial of such prosecution or suit, shall be directed to, and executed by, the coroner of such county; and in case such coroner shall be also a party, or interested in, or related to, any party or person interested in such prosecution or suit, then the Venire Facias, or other process or warrant, for the summoning and return of a jury for the trial of such prosecution or suit, shall be directed to, and executed by, a proper and indifferent person, to be appointed for that purpose by the court wherein such prosecution or suit shall be depending.

AND that all sheriffs may be the better informed of persons qualified to serve on juries at the superior courts of judicature, courts of assize, general gaol-delivery, general sessions of the peace, and inferior courts of common-pleas, within the said province, be it further enacted by the authority aforesaid, that the constables of the respective towns, within the several counties of the said province, shall, at the general sessions of the peace to be holden for each county, next after the month of September in every year,  
upon

upon the first day of the said sessions, return and deliver to the justices of the peace in open court, a true list, in writing, of the names and places of abode of all persons within the respective towns for which they serve, or the districts thereof, qualified to serve upon juries, with their titles and additions, between the age of one and twenty years, and the age of seventy years; which said justices, or any two of them, at the said sessions in the respective counties, shall cause to be delivered a duplicate of the aforesaid lists, by the clerk of the peace of every county, to the sheriffs, or their deputies, within ten days after such sessions, and cause each of the said lists to be fairly entered in a book by the clerk of the peace, to be by him provided, and kept for that purpose amongst the records of the said court; and no sheriff shall impanel or return any person or persons to serve upon any grand-jury or petit-jury whatsoever, in any of the said courts that shall not be named or mentioned in such list: and, to prevent a failure of justice, through the neglect of constables to make such returns of persons qualified to serve on juries, as in and by this act is directed, the clerks of the peace of the said several counties are hereby required and commanded, twenty days at least next before the month of September, yearly and every year, to issue forth precepts or warrants, under their respective hands and seals, to the respective constables of the several towns within the said respective counties, requiring them and every of them,

them, to make such return of persons qualified to serve upon juries as hereby respectively directed; and every constable failing at any time to make and deliver such return to the justices in open court, as aforesaid, shall forfeit and incur the penalty of five pounds sterling to his majesty and his successors; to be recovered by bill, plaint or information, to be prosecuted in any of the courts aforesaid; and in order that the constables may be the better enabled to make complete lists of all persons qualified to serve on juries, the constables of the several towns shall have free liberty, at all seasonable times, upon request by them made to any officer or officers, who shall have in his or their custody any book or account of rates or taxes on the freeholders or inhabitants within such respective towns, to inspect the same, and take from thence the names of such persons qualified to serve on juries, dwelling within the respective towns for which such lists are to be given in and returned pursuant to this act; and shall, in the month of September, yearly and every year, upon two or more Sundays, fix upon the door of the church, chapel, and every other publick place of religious worship within their respective precincts, a true and exact list of all such persons intended to be returned to the said general sessions of the peace, as qualified to serve on juries, pursuant to the directions of this act; and leave, at the same time, a duplicate of such list with the town-clerk of the said place, to be perused by the freeholders and inhabitants thereof,



of, to the end, that notice may be given of persons duly qualified who are omitted, or of persons inserted by mistake who ought to be omitted out of such lists; and it shall and may be lawful to and for the justices, at the general sessions of the peace to which the said lists shall be so returned, upon due proof made before them of any person or persons duly qualified to serve on juries being omitted in such lists, or of any person or persons being inserted therein who ought to have been omitted, to order his or their name or names to be inserted or struck out, as the case may require: and in case any constable shall wilfully omit, out of such list, any person or persons, whose name or names ought to be inserted, or shall wilfully insert any person or persons who ought to be omitted, every constable so offending, shall, for every person so omitted or inserted in such list, contrary to the true intent and meaning of this act, be fined by the said justices, in the said general sessions of the peace, in the sum of forty shillings sterling.

PROVIDED always, and be it enacted by the authority aforesaid, that in case default shall at any time hereafter be made, by any constable or constables, to return lists of persons qualified to serve on juries within any of the said towns to the said court of general sessions of the peace; then, and in such case, it shall and may be lawful for the sheriff of the county, in which such default shall be made, to summon and return to  
the



the several courts aforesaid, or any of them, such and so many persons dwelling in such towns, or the districts thereof, qualified to serve on juries, as he shall think fit, to serve on juries at such respective courts; any thing herein contained to the contrary thereof in anywise notwithstanding.

AND be it further enacted by the authority aforesaid, that every summons of any person, to serve upon any of the juries at the said courts, or any of them, shall be made by the sheriff, or other person, ten days at least before the holding of every such court; and in case any juror, so to be summoned, be absent from the usual place of his habitation at the time of such summons, notice of such summons shall be given by leaving a note in writing, under the hand of such sheriff or person, containing the contents thereof, at the dwellinghouse of such juror, with some person inhabiting in the same.

PROVIDED always, and be it further enacted by the authority aforesaid, that in case a sufficient number of persons qualified to serve on juries shall not appear at the said courts, or any of them, to perform the service of grand or petit-jurors; that then, and in such case, it shall be lawful for the said court to issue a writ or precept to the sheriff, requiring him to summon a sufficient number of other persons qualified to serve on juries immediately at such court; and such  
persons

persons are hereby required to appear and serve as jurors at the said courts accordingly.

AND be it further enacted by the authority aforesaid, that no person who shall serve as a juror, at any of the said courts, shall be liable to serve again as a juror at the same court, or any other of the courts aforesaid, for the space of three years then next following, except upon special juries.

AND, in order that sheriffs may be informed of the persons who have served as jurors, it is hereby further enacted by the authority aforesaid, that every sheriff shall prepare and keep a book or register, wherein the names of all such persons who have served as jurors, with their additions and places of abode, and the times when, and the courts in which they served, shall be alphabetically entered and registered, which books of registers shall, from time to time, be delivered over to the succeeding sheriff of the said county, within ten days after he shall enter upon his office; and every juror who shall attend and serve at any of the courts aforesaid, may, at the expiration of the time of holding every such court, upon application to the sheriff or his deputy, have a certificate, immediately, gratis, from the sheriff or his deputy, testifying such his attendance and service; which said certificate the said sheriff, or his deputy, is required to give to every such juror.

AND

AND be it further enacted by the authority aforesaid, that if, by reason of challenges or otherwise, there shall not be a sufficient number of jurors for the trial of any prosecution for any misdemeanor, or any action depending in any of the said courts; then, and in such case, the jury shall be filled up *de Talibus Circumstantibus*, to be returned by the sheriff, unless he be a party, or interested, or related to any party or person interested in such prosecution or action; and, in any of which cases, to be returned by the coroner, unless he be a party, or interested or related to any party or person interested in such prosecution or action; and, in any of these cases, to be returned by a proper and indifferent person, to be appointed by the court for that purpose.

AND be it further enacted by the authority aforesaid, that in case any person summoned to serve upon the grand or petit-jury, at any of the courts aforesaid, or upon the jury in any prosecution, action or suit, depending in any of the said courts, shall not appear and serve at the said courts, according to the said summons, (not having any reasonable excuse, to be allowed by the judges or justices at such court) he shall be fined by the judges or justices of such court in any sum not exceeding the sum of ten pounds, nor less than twenty shillings sterling.

AND be it further enacted by the authority aforesaid, that every sheriff, or other officer, to whom

whom the Venire Facias, or other process or warrant, for the trial of causes, or summoning of juries, shall be directed, shall, upon his return to every such writ, or other process or warrant, (unless in cases where a special jury shall be struck by order or rule of court, pursuant to this act) annex a pannel to the said writ, or process, or warrant, containing the christian and surnames, additions and places of abode, of a competent number of jurors, named in such lists, which number of jurors shall not be less than twenty-four, nor more than forty-eight, without direction of the judges or justices of such court or session, or one of them, who are hereby respectively empowered and required, if he or they see cause, by order, under his or their respective hand or hands, to direct a greater number; and then such number as shall be so directed shall be the number to be returned to serve on such jury.

AND be it further enacted by the authority aforesaid, that for the trials of all actions or suits depending in any of the said courts, the name of each and every person who shall be summoned and returned as aforesaid, with his addition, and the place of his abode, shall be written in several and distinct pieces of parchment or paper, being all as near as may be of equal size and bigness, and shall be delivered unto the officer to be appointed by the court for that purpose, by the sheriff, under-sheriff, or some agent of his; and shall,



shall, by direction and care of such officer, be rolled up all as near as may be, in the same manner, and put together in a box or glass, to be provided for that purpose; and when any cause shall be brought on to be tried, some indifferent person, by direction of the court, may and shall, in open court, draw out twelve of the said parchments or papers, one after another, and if any of the persons, whose names shall be so drawn, shall not appear, or shall be challenged, and such challenge allowed, then such person shall proceed to draw other parchments or papers from the said box, till twelve indifferent persons shall be drawn; which twelve indifferent persons, being sworn, shall be the jury to try the said cause: and the names of the persons so drawn and sworn shall be kept apart by themselves, in some other box or glass, to be kept for that purpose, till such jury shall have given in their verdict, and the same is recorded, or until such jury shall, by consent of the parties, or leave of the court, be discharged; and then the same names shall be rolled up again; and returned to the former box or glass, there to be kept, with the other names remaining at that time undrawn, and so toties quoties, as long as any cause remains then to be tried.

AND be it further enacted by the authority aforesaid, that it shall and may be lawful to and for the superior court of assize, and court of common-pleas, upon motion made on behalf of his



his majesty, his heirs or successors, or on the motion of any prosecutor or defendant, in any indictment or information for any misdemeanor depending, or to be brought or prosecuted in the said court, or on the motion of any plaintiff or plaintiffs, defendant or defendants in any action, cause or suit whatsoever, depending, or to be brought and carried on in the said court, and the said court is hereby authorized and required, upon motion as aforesaid, in any of the cases before-mentioned, to order and appoint a jury to be struck for the trial of any issue, joined in any of the said cases, and triable by a jury of twelve men, by such officer of the said court; as the court shall appoint; and for that purpose the sheriff, or his deputy, shall attend such officer with the duplicate of the lists of persons qualified to serve on juries; and such officer shall thereupon take down, in writing, from the said duplicate, the names of forty-eight persons qualified to serve on juries, with their additions, and places of abode, a copy whereof shall forthwith be delivered to the prosecutors or plaintiffs, their attornies or agents, and another copy thereof to the defendants, their attornies or agents, in such prosecutions and causes; and the said officer of the court aforesaid shall, at a time to be fixed by him for that purpose, strike out the names of twelve of the said persons, at the nomination of the prosecutors or plaintiffs, their attornies or agents, and also the names of twelve others of the said persons, at the nomination of the said defendants

defendants in such prosecutions and suits, and the twenty-four remaining persons shall be struck and summoned, and returned to the said court as jurors, for the trial of such issues.

PROVIDED always, that in case the prosecutors or plaintiffs, or defendants, their attornies or agents, shall neglect or refuse to attend the officer at the time fixed for striking the names of twenty-four persons as aforesaid, or nominate the persons to be struck out; then, and in such case, the said officer shall, and he is hereby required to strike out the names of such number of the said persons as such prosecutors or plaintiffs, or defendants, might have nominated to be struck out.

AND be it further enacted, that the person or party who shall apply for such special jury as aforesaid, shall not only bear and pay the fees for striking such jury, but shall also pay and discharge all the expences occasioned by the trial of the cause by such special jury, and shall not have any further or other allowance for the same, upon taxation of costs, than such person or party would be entitled unto, in case the cause had been tried by a common jury, unless the judge, before whom the cause is tried, shall, immediately after the trial, certify, in open court, under his hand, upon the back of the record, that the same was a cause proper to be tried by a special jury.

AND

AND be it further enacted by the authority aforesaid, that in all actions brought in any of the said courts, where it shall appear to the court in which such actions are depending, that it will be proper and necessary that the jurors who are to try the issues in any such actions, should have the view of the messuages, lands or place in question, in order to their better understanding the evidence that will be given upon the trial of such issues, in every such case the respective courts in which such actions shall be depending may order the jury to the place in question, who then and there shall have the matters in question shewn them by two persons to be appointed by the court : and the special costs of all such views as allowed by the court, shall, before the trial, be paid by the party who moved for the view, (the adverse party not consenting thereto ; ) and shall, at the taxation of the bill of costs, have the same allowed him, upon his recovering judgment in such trial ; and upon all views with the consent of parties, ordered by the court, shall, before trial, be equally paid by the said parties ; and in the taxation of the bill of costs, the party recovering judgment shall have the sum by him paid allowed to him ; any law, usage or custom, to the contrary notwithstanding.

AND be it further enacted by the authority aforesaid, that if any action shall be brought against any sheriff, for what he shall do in execution, or by virtue, of this act, he may plead the  
general

general issue, and give the special matter in evidence; and if a verdict shall be found for him, he shall recover treble costs.

N O T E III. PAGE 16.

*An act for the impartial administration of justice in the cases of persons questioned for any acts done by them in the execution of the law, or for the suppression of riots and tumults, in the province of the Massachusetts-Bay, in New-England.*

**W**HEREAS in his majesty's province of Massachusetts-Bay, in New-England, an attempt hath lately been made to throw off the authority of the parliament of Great-Britain over the said province, and an actual and avowed resistance, by open force, to the execution of certain acts of parliament, hath been suffered to take place, uncontroled and unpunished, in defiance of his majesty's authority, and to the utter subversion of all lawful government: and whereas, in the present disordered state of the said province, it is of the utmost importance to the general welfare thereof, and to the re-establishment of lawful authority throughout the same, that neither the magistrates acting in support of the laws, nor any of his majesty's subjects aiding and assisting them therein, or in the suppression of riots and tumults, raised in opposition to the execution of the laws and statutes of this realm, should be discouraged from



the proper discharge of their duty, by an apprehension, that in case of their being questioned for any acts done therein, they may be liable to be brought to trial for the same before persons who do not acknowledge the validity of the laws, in the execution whereof, or the authority of the magistrate in the support of whom, such acts had been done : in order therefore to remove every such discouragement from the minds of his majesty's subjects, and to induce them, upon all proper occasions, to exert themselves in support of the publick peace of the province, and of the authority of the King and parliament of Great-Britain over the same ; Be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that if any inquisition or indictment shall be found, or if any appeal shall be sued or preferred against any person, for murder or other capital offence, in the province of the Massachusetts-Bay, and it shall appear, by information given upon oath to the governor, or in his absence, to the lieutenant-governor of the said province, that the fact was committed by the person against whom such inquisition or indictment shall be found, or against whom such appeal shall be sued or preferred, as aforesaid, either in the execution of his duty as a magistrate, for the suppression of riots, or in the support of the laws of the revenue, or in acting in his duty as an officer of revenue, or in acting under



under the direction and order of any magistrate for the suppression of riots, or for carrying into effect the laws of revenue, or in aiding and assisting in any of the cases aforesaid ; and if it shall also appear, to the satisfaction of the said governor, or lieutenant-governor respectively, that an indifferent trial cannot be had within the said province, in that case, it shall and may be lawful for the governor, or lieutenant-governor, to direct, with the advice and consent of the council, that the inquisition, indictment, or appeal, shall be tried in some other of his majesty's colonies, or in Great-Britain ; and for that purpose, to order the person against whom such inquisition or indictment shall be found, or against whom such appeal shall be sued or preferred, as aforesaid, to be sent, under sufficient custody, to the place appointed for his trial, or to admit such person to bail, taking a recognizance, (which the said governor, or, in his absence, the lieutenant-governor, is hereby authorized to take) from such person, with sufficient sureties, to be approved of by the said governor, or, in his absence, the lieutenant-governor, in such sums of money as the said governor, or, in his absence, the lieutenant-governor, shall deem reasonable, for the personal appearance of such person, if the trial shall be appointed to be had in any other colony, before the governor, or lieutenant-governor, or commander in chief of such colony ; and if the trial shall be appointed to be had in Great-Britain, then before his majesty's court of king's bench, at a time to  
be

be mentioned in such recognizances ; and the governor, or lieutenant-governor, or commander in chief of the colony where such trial shall be appointed to be had, or court of king's bench, where the trial is appointed to be had in Great-Britain, upon the appearance of such person, according to such recognizance, or in custody, shall either commit such person, or admit him to bail, until such trial ; and which the said governor, or lieutenant-governor, or commander in chief, and court of king's bench, are hereby authorized and empowered to do.

AND, to prevent a failure of justice, from the want of evidence on the trial of any such inquisition, indictment or appeal, be it further enacted, that the governor, or, in his absence, the lieutenant-governor, shall, and he is hereby authorized and required to bind in recognizances to his majesty all such witnesses as the prosecutor or person against whom such inquisition or indictment shall be found, or appeal sued or preferred, shall desire to attend the trial of the said inquisition, indictment or appeal, for their personal appearance, at the time and place of such trial, to give evidence : and the said governor, or, in his absence, the lieutenant-governor, shall thereupon appoint a reasonable sum to be allowed for the expences of every such witness, and thereupon give to each witness a certificate, in writing, under his hand and seal, that such witness has entered into a recognizance to give evidence,  
and

and specifying the sum allowed for his expences, and the collector and collectors of the customs, or one of them, within the said province, upon the delivery of such certificate, are and is hereby authorized and required, forthwith to pay to such witness the sum specified therein for his expences.

AND be it further enacted by the authority aforesaid, that all prosecutors and witnesses, who shall be under recognizances to appear in any of his majesty's colonies in America, or Great-Britain, in pursuance of this act, shall be free from all arrests and restraints, in any action or suit to be commenced against them during their going to such colony, or coming to Great-Britain, and their necessary stay and abiding there, on occasion of such prosecution, and returning again to the said province of the Massachusetts-Bay.

AND be it further enacted by the authority aforesaid, that all and every his majesty's justices of the peace, and other justices and coroners, before whom any person shall be brought, charged with murder, or other capital crime, where it shall appear by proof, on oath, to such justices or coroners, that the fact was committed by such person either in the execution of his duty as a magistrate, for the suppression of riots, or in the support of the laws of revenue, or in acting in his duty as an officer of revenue, or in acting under the direction and order of any magistrate, for the suppression of riots, or for the carrying into effect

effect the laws of revenue, or in aiding and assisting in any of the cases aforesaid, are hereby authorized and required to admit every such person so brought before him or them, as aforesaid, to bail; any law, custom or usage, to the contrary thereof in anywise notwithstanding.

AND be it further enacted by the authority aforesaid, that where it shall be made appear to the judges or justices of any court, within the said province of Massachusetts-Bay, by any person, against whom any inquisition or indictment shall be found, or appeal sued or preferred for murder, or other capital crime, that the fact was committed by such person, either in the execution of his duty as a magistrate, for the suppression of riots, or in the support of the laws of revenue, or in acting in his duty as an officer of revenues, or in acting under the direction and order of any magistrate, for the suppression of riots, or for the carrying into effect the laws of revenue, or aiding and assisting in any of the cases aforesaid, and that he intends to make application to the governor, or lieutenant-governor of the said province, that such inquisition, indictment or appeal, may be tried in some other of his majesty's colonies, or in Great-Britain, the said judges or justices are hereby authorized and required to adjourn or postpone the trial of such inquisition, indictment or appeal, for a reasonable time, and admit the person to bail, in order that he may make application to the governor, or lieutenant-governor, for the purpose aforesaid.

AND



AND be it further enacted, that the governor, or, in his absence, the lieutenant-governor, if he shall direct the trial to be had in any other of his majesty's colonies, shall transmit the inquisition, indictment or appeal, together with the recognizances of the witnesses, and other recognizances, under the seal of the province, to the governor, or lieutenant-governor, or commander in chief of such other colony, who shall immediately issue a commission of oyer and terminer, and deliver, or cause to be delivered, the said inquisition, indictment or appeal, with the said recognizances, to the chief-justice, and such other persons as have usually been commissioners of oyer and terminer, justices of assize, or general gaol-delivery there; who shall have power to proceed upon the said inquisition, indictment or appeal, as if the same had been returned, found, or preferred before them; and the trial shall thereupon proceed in like manner, to all intents and purposes, as if the offence had been committed in such place: and in case the governor, or, in his absence, the lieutenant-governor, shall direct the trial to be had in Great-Britain, he shall then transmit the inquisition, indictment or appeal, together with the recognizances of the witnesses, and other recognizances, under the seal of the province, to one of his majesty's principal secretaries of state, who shall deliver, or cause to be delivered, the same, to the master of the crown-office, to be filed of record in the court of king's-bench, and the inquisition, indictment or appeal, shall



shall be tried and proceeded upon, in the next term, or at such other time as the court shall appoint, at the bar of the court of king's-bench, in the like manner, to all intents and purposes, as if the offence had been committed in the county of Middlesex, or in any other county of that part of Great-Britain, called England, where the court of king's-bench shall sit, or else before such commissioners, and in such county, in that part of Great-Britain, called England, as shall be assigned by the King's majesty's commission, in like manner and form, to all intents and purposes, as if such offence had been committed in the same county where such inquisition, indictment or appeal, shall be so tried.

AND be it enacted by the authority aforesaid, that in case, on account of any error or defect in any indictment, which, in virtue or under the authority of this act, shall be transmitted to any other colony, or to Great-Britain, the same shall be quashed, or judgment thereon arrested, or such indictment adjudged bad upon demurrer, it shall and may be lawful to prefer a new indictment or indictments against a person or persons accused in the said colony, to which such indictment, so quashed or adjudged bad, shall have been transmitted, or before the grand-jury of any county in Great-Britain, in case such former indictment shall have been transmitted to Great-Britain, in the same manner as could be done in case the party accused should return to the place  
where

where the offence was committed ; and the grand-jury and petit-jury of such other colony or county in Great-Britain shall have power to find and proceed upon such indictment or indictments, in the same manner as if the offence, by such indictment or indictments charged, had been committed within the limits of the colony or county for which such juries shall respectively be impanelled to serve.

AND be it further enacted by the authority aforesaid, that this act, and every clause, provision, regulation, matter and thing, herein contained, shall commence and take effect upon the first day of June, one thousand seven hundred and seventy-four ; and be and continue in force, for and during the term of three years.

#### N O T E    I V .    P A G E    23 .

FRIDAY, October 14, 1774.

THE Congress met according to adjournment, and resuming the consideration of the subject under debate—made the following declaration and resolves :

**W**HEREAS, since the close of the last war, the British parliament claiming a power, of right, to bind the people of America by statutes, in all cases whatsoever, hath in some

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acts

acts expressly imposed taxes on them, and in others, under various pretences, but in fact for the purpose of raising a revenue, hath imposed rates and duties payable in these colonies, established a board of commissioners with unconstitutional powers, and extended the jurisdiction of courts of admiralty, not only for collecting the said duties, but for the trial of causes merely arising within the body of a county.

AND whereas, in consequence of other statutes, judges, who before held only estates at will in their offices, have been made dependant on the crown alone for their salaries, and standing armies kept, in times of peace: and whereas it has lately been resolved in parliament, that by force of a statute, made in the thirty-fifth year of the reign of King Henry the eighth, colonists may be transported to England and tried there upon accusations for treasons and misprisions, or concealments of treasons committed in the colonies; and, by a late statute, such trials have been directed in cases therein mentioned.

AND whereas in the last session of parliament, three statutes were made; one entitled, ‘ An act  
 ‘ to discontinue in such manner, and for such  
 ‘ time as are therein mentioned, the landing and  
 ‘ discharging, lading or shipping of goods, wares  
 ‘ and merchandize, at the town, and within the  
 ‘ harbour of Boston, in the province of Massachusetts-Bay, in North-America:’ another entitled,  
 ‘ An

‘ An act for the better regulating the government of the province of the Massachusetts-Bay, in New-England :’ and another entitled, ‘ An act for the impartial administration of justice, in the cases of persons questioned for any act done by them in the execution of the law, or for the suppression of riots and tumults, in the province of the Massachusetts-Bay, in New-England :’ and another statute was then made, ‘ for making more effectual provision for the government of the province of Quebec,’ &c. All which statutes are impolitick, unjust and cruel, as well as unconstitutional, and most dangerous and destructive of American rights.

AND whereas assemblies have been frequently dissolved, contrary to the rights of the people, when they attempted to deliberate on grievances ; and their dutiful, humble, loyal and reasonable petitions to the crown for redress, have been repeatedly treated with contempt by his majesty’s ministers of state.

THE good people of the several colonies of New-Hampshire, Massachusetts-Bay, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, New-Castle, Kent and Suffex on Delaware, Maryland, Virginia, North-Carolina and South-Carolina, justly alarmed at these arbitrary proceedings of parliament and administration, have severally elected, constituted and appointed deputies to meet and sit in  
general

general Congress in the city of Philadelphia, in order to obtain such establishment, as that their religion, laws and liberties, may not be subverted : whereupon the deputies so appointed, being now assembled, in a full and free representation of these colonies, taking into their most serious consideration the best means of attaining the ends aforesaid, do, in the first place, as Englishmen, their ancestors, in like cases have usually done, for asserting and vindicating their rights and liberties, DECLARE,

THAT the inhabitants of the English colonies in North-America, by the immutable laws of nature, the principles of the English constitution, and the several charters or compacts, have the following rights :

RESOLVED, nem. con. 1. That they are entitled to life, liberty and property : and they have never ceded to any sovereign power whatever, a right to dispose of either without their consent.

RESOLVED, nem. con. 2. That our ancestors, who first settled these colonies, were at the time of their emigration from the mother-country, entitled to all the rights, liberties, and immunities of free and natural-born subjects, within the realm of England.

RESOLVED, nem. con. 3. That by such emigration they by no means forfeited, surrendered, or



or lost any of those rights, but that they were, and their descendants now are, entitled to the exercise and enjoyment of all such of them, as their local and other circumstances enable them to exercise and enjoy.

RESOLVED, 4. That the foundation of English liberty, and of all free government, is a right in the people to participate in their legislative-council : and as the English colonists are not represented, and from their local and other circumstances cannot properly be represented in the British parliament, they are entitled to a free and exclusive power of legislation in their several provincial legislatures, where their right of representation can alone be preserved, in all cases of taxation and internal polity, subject only to the negative of their sovereign, in such manner as has been heretofore used and accustomed : but, from the necessity of the case, and a regard to the mutual interests of both countries, we cheerfully consent to the operation of such acts of the British parliament, as are bona fide, restrained to the regulation of our external commerce, for the purpose of securing the commercial advantages of the whole empire to the mother-country, and the commercial benefits of its respective members, excluding every idea of taxation internal or external, for raising a revenue on the subjects in America without their consent.

RESOLVED, nem. con. 5. That the respective colonies

colonies are entitled to the common law of England, and more especially to the great and inestimable privilege of being tried by their peers of the vicinage, according to the course of that law.

RESOLVED, 6. That they are entitled to the benefit of such of the English statutes, as existed at the time of their colonization ; and which they have, by experience, respectively found to be applicable to their several local and other circumstances.

RESOLVED, nem. con. 7. That these, his Majesty's, colonies are likewise entitled to all the immunities and privileges granted and confirmed to them by royal charters, or secured by their several codes of provincial laws.

RESOLVED, nem. con. 8. That they have a right peaceably to assemble, consider of their grievances, and petition the King ; and that all prosecutions, prohibitory proclamations, and commitments for the same, are illegal.

RESOLVED, nem. con. 9. That the keeping a standing army in these colonies, in times of peace, without the consent of the legislature of that colony in which such army is kept, is against law.

RESOLVED, nem. com. 10. It is indispensibly necessary

necessary to good government, and rendered essential by the English constitution, that the constituent branches of the legislature be independent of each other; that, therefore, the exercise of legislative power in several colonies, by a council appointed, during pleasure, by the crown, is unconstitutional, dangerous, and destructive to the freedom of American legislation.

ALL and each of which the aforesaid deputies, in behalf of themselves, and their constituents, do claim, demand and insist on, as their indubitable rights and liberties; which cannot be legally taken from them, altered or abridged by any power whatever, without their own consent, by their representatives in their several provincial legislatures.

IN the course of our inquiry, we find many infringements and violations of the foregoing rights; which, from an ardent desire that harmony and mutual intercourse of affection and interest may be restored, we pass over for the present, and proceed to state such acts and measures as have been adopted since the last war, which demonstrate a system formed to enslave America.

RESOLVED, nem. con. That the following acts of parliament are infringements and violations of the rights of the colonists; and that the repeal of them is essentially necessary, in order  
to

to restore harmony between Great-Britain and the American colonies, viz.

THE several acts of 4 Geo. III. ch. 15. and ch. 34.—5 Geo. III. ch. 25.—6 Geo. III. ch. 52.—7 Geo. III. ch. 41. and ch. 46.—8 Geo. III. ch. 22. which impose duties for the purpose of raising a revenue in America, extend the power of the admiralty-courts beyond their ancient limits, deprive the American subject of trial by jury, authorize the judges certificate to indemnify the prosecutor from damages, that he might otherwise be liable to, requiring oppressive security from a claimant of ships and goods seized, before he shall be allowed to defend his property, and are subversive of American rights.

ALSO 12 Geo. III. ch. 24. entitled, ‘ An act for the better securing his majesty’s dock-yards, ‘ magazines, ships, ammunition and stores,’ which declares a new offence in America, and deprives the American subject of a constitutional trial by jury of the vicinage, by authorizing the trial of any person charged with the committing any offence described in the said act out of the realm, to be indicted and tried for the same in any shire or county within the realm.

ALSO the three acts passed in the last session of parliament, for stopping the port and blocking up the harbour of Boston, for altering the charter  
and

and government of Massachusetts-Bay, and that which is entitled, ‘ An act for the better administration of justice,’ &c.

ALSO the act passed in the same session for establishing the Roman Catholick religion in the province of Quebec, abolishing the equitable system of English laws, and erecting a tyranny there, to the great danger, (from so total a dissimilarity of religion, law and government) of the neighbouring British colonies, by the assistance of whose blood and treasure the said country was conquered from France.

ALSO the act passed in the same session for the better providing suitable quarters for officers and soldiers in his majesty’s service in North-America.

ALSO, that the keeping a standing army in several of these colonies, in time of peace, without the consent of the legislature of that colony in which such army is kept, is against law.

To these grievous acts and measures Americans cannot submit, but in hopes their fellow-subjects in Great-Britain will, on a revision of them, restore us to that state, in which both countries found happiness and prosperity, we have for the present only resolved to pursue the following peaceable measures: 1. To enter into a non-importation, non-consumption, and non-exportation agreement or association. 2. To



prepare an address to the people of Great-Britain, and a memorial to the inhabitants of British America. And, 3. To prepare a loyal address to his majesty; agreeable to resolutions already entered into.

# N O T E V. PAGE 23.

To the KING's most excellent MAJESTY.

MOST GRACIOUS SOVEREIGN,

**W**E, your majesty's faithful subjects of the colonies of New-Hampshire, Massachusetts-Bay, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, the counties of New-Castle, Kent and Suffex on Delaware, Maryland, Virginia, North-Carolina and South-Carolina, in behalf of ourselves and the inhabitants of these colonies, who have deputed us to represent them in general Congress, by this our humble petition, beg leave to lay our grievances before the throne.

A STANDING army has been kept in these colonies ever since the conclusion of the late war, without the consent of our assemblies; and this army, with a considerable naval armament, has been employed to enforce the collection of taxes.

THE authority of the commander in chief, and under him of the brigadiers-general has, in time  
of

of peace, been rendered supreme in all the civil governments in America.

THE commander in chief of all your majesty's forces in North-America has, in time of peace, been appointed governor of a colony.

THE charges of usual offices have been greatly increased; and new, expensive and oppressive offices have been multiplied.

THE judges of admiralty and vice-admiralty-courts are empowered to receive their salaries and fees from the effects condemned by themselves.

THE officers of the customs are empowered to break open and enter houses without the authority of any civil magistrate founded on legal information.

THE judges of courts of common law have been made entirely dependant on one part of the legislature for their salaries, as well as for the duration of their commissions.

COUNSELLORS holding their commissions during pleasure exercise legislative authority.

HUMBLE and reasonable petitions from the representatives of the people have been fruitless.

THE

THE agents of the people have been discountenanced, and governors have been instructed to prevent the payment of their salaries.

ASSEMBLIES have been repeatedly and injuriously dissolved.

COMMERCE has been burdened with many useless and oppressive restrictions.

By several acts of parliament made in the fourth, fifth, sixth, seventh and eighth years of your majesty's reign, duties are imposed on us, for the purpose of raising a revenue; and the powers of admiralty and vice-admiralty-courts are extended beyond their ancient limits, whereby our property is taken from us without our consent, the trial by jury in many civil cases is abolished, enormous forfeitures are incurred for slight offences, vexatious informers are exempted from paying damages, to which they are justly liable, and oppressive security is required from owners before they are allowed to defend their right.

BOTH houses of parliament have resolved, that colonists may be tried in England for offences alleged to have been committed in America by virtue of a statute passed in the thirty-fifth year of Henry the eighth; and in consequence thereof attempts have been made to enforce that statute.

A STATUTE was passed in the twelfth year of your majesty's reign, directing, that persons charged with committing any offence therein described, in any place out of the realm, may be indicted and tried for the same, in any shire or county within the realm, whereby inhabitants of these colonies may, in sundry cases by that statute made capital, be deprived of a trial by their peers of the vicinage.

IN the last session of parliament, an act was passed for blocking up the harbour of Boston; another empowering the governor of the Massachusetts-Bay to send persons indicted for murder in that province to another colony, or even to Great-Britain for trial, whereby such offenders may escape legal punishment; a third for altering the chartered constitution of government in that province; and a fourth for extending the limits of Quebec, abolishing the English and restoring the French laws, whereby great numbers of British freemen are subjected to the latter, and establishing an absolute government and the Roman Catholic religion throughout those vast regions, that border on the westerly and northerly boundaries of the free, protestant, English settlements; and a fifth for the better providing suitable quarters for officers and soldiers in his majesty's service in North-America.

To a sovereign who glories in the name of Briton; the bare recital of these acts must, we presume,

presume, justify the loyal subjects, who fly to the foot of his throne, and implore his clemency for protection against them.

FROM this destructive system of colony-administration, adopted since the conclusion of the last war, have flowed those distresses, dangers, fears and jealousies, that overwhelm your majesty's dutiful colonists with affliction : and we defy our most subtle and inveterate enemies to trace the unhappy differences between Great-Britain and these colonies, from an earlier period, or from other causes than we have assigned. Had they proceeded on our part from a restless levity of temper, unjust impulses of ambition, or artful suggestions of seditious persons, we should merit the opprobrious terms frequently bestowed upon us by those we revere. But so far from promoting innovations, we have only opposed them ; and can be charged with no offence, unless it be one to receive injuries, and be sensible of them.

HAD our Creator been pleased to give us existence in a land of slavery, the sense of our condition might have been mitigated by ignorance and habit. But thanks be to his adorable goodness, we were born the heirs of freedom, and ever enjoyed our right under the auspices of your royal ancestors, whose family was seated on the British throne, to rescue and secure a pious and gallant nation from the popery and despotism of a superstitious and inexorable tyrant. Your majesty,



jeſty, we are confident, juſtly rejoices, that your title to the crown is thus founded on the title of your people to liberty ; and therefore we doubt not but your royal wiſdom muſt approve the ſenſibility, that teaches your ſubjects anxiously to guard the bleſſing they received from Divine Providence, and thereby to prove the performance of that compact, which elevated the illuſtrious houſe of Brunſwick to the imperial dignity it now poſſeſſes.

THE apprehenſion of being degraded into a ſtate of ſervitude, from the pre-eminent rank of Engliſh freemen, while our minds retain the ſtrongest love of liberty, and clearly foreſee the miſeries preparing for us and our poſterity, excites emotions in our breſts, which though we cannot deſcribe, we ſhould not wiſh to conceal. Feeling as men, and thinking as ſubjects in the manner we do, ſilence would be diſloyalty. By giving this faithful information, we do all in our power to promote the great objects of your royal cares, the tranquility of your government and the welfare of your people.

DUTY to your majeſty, and regard for the preſervation of ourſelves and our poſterity, the primary obligations of nature and ſociety, command us to entreat your royal attention ; and as your majeſty enjoys the ſignal diſtinction of reigning over freemen, we apprehend the language of freemen cannot be diſpleaſing. Your royal

royal indignation, we hope, will rather fall on those designing and dangerous men, who daringly interposing themselves between your royal person and your faithful subjects, and for several years past incessantly employed to dissolve the bonds of society, by abusing your majesty's authority, misrepresenting your American subjects, and prosecuting the most desperate and irritating projects of oppression, have at length compelled us, by the force of accumulated injuries too severe to be any longer tolerable, to disturb your majesty's repose by our complaints.

THESE sentiments are extorted from hearts, that much more willingly would bleed in your majesty's service. Yet so greatly have we been misrepresented, that a necessity has been alleged of taking our property from us without our consent, 'to defray the charge of the administration of justice, the support of civil government, and the defence, protection and security, of the colonies.' But we beg leave to assure your majesty, that such provision has been, and will be made for defraying the two first articles, as has been and shall be judged, by the legislatures of the several colonies, just and suitable to their respective circumstances: and for the defence, protection and security, of the colonies, their militias, if properly regulated, as they earnestly desire may immediately be done, would be fully sufficient, at least in times of peace; and in case of war, your faithful colonists will be ready and  
willing,

willing, as they have ever been, when constitutionally required, to demonstrate their loyalty to your majesty, by exerting their most strenuous efforts in granting supplies and raising forces. Yielding to no British subjects in affectionate attachment to your majesty's person, family and government; we too dearly prize the privilege of expressing that attachment by those proofs, that are honourable to the prince who receives them, and to the people who give them, ever to resign it to any body of men upon earth.

HAD we been permitted to enjoy, in quiet, the inheritance left us by our forefathers, we should, at this time, have been peaceably, cheerfully and usefully employed in recommending ourselves, by every testimony of devotion, to your majesty, and of veneration to the state, from which we derive our origin. But though now exposed to unexpected and unnatural scenes of distress by a contention with that nation, in whose parental guidance on all important affairs we have hitherto, with filial reverence, constantly trusted, and therefore can derive no instruction in our present unhappy and perplexing circumstances from any former experience; yet, we doubt not, the purity of our intention, and the integrity of our conduct, will justify us at that grand tribunal, before which all mankind must submit to judgment.

WE ask but for peace, liberty and safety. We wish not a diminution of the prerogative, nor do we solicit the grant of any new right in our favour. Your royal authority over us, and our connection with Great-Britain, we shall always carefully and zealously endeavour to support and maintain.

FILLED with sentiments of duty to your majesty and of affection to our parent state, deeply impressed by our education, and strongly confirmed by our reason, and anxious to evince the sincerity of these dispositions, we present this petition only to obtain redress of grievances, and relief from fears and jealousies, occasioned by the system of statutes and regulations adopted since the close of the late war, for raising a revenue in America—extending the powers of courts of admiralty and vice-admiralty—trying persons in Great-Britain for offences alleged to be committed in America—affecting the province of Massachusetts-Bay—and altering the government, and extending the limits, of Quebec; by the abolition of which system, the harmony between Great-Britain and these colonies, so necessary to the happiness of both, and so ardently desired by the latter, and the usual intercourses, will be immediately restored. In the magnanimity and justice of your majesty and parliament we confide for a redress of our other grievances, trusting, that when the causes of our apprehensions are removed, our future conduct will prove



us not unworthy of the regard we have been accustomed, in our happier days, to enjoy. For, appealing to that Being who searches thoroughly the hearts of his creatures, we solemnly profess, that our councils have been influenced by no other motive, than a dread of impending destruction.

PERMIT us then, most gracious sovereign, in the name of all your faithful people in America, with the utmost humility, to implore you, for the honour of Almighty GOD, whose pure religion our enemies are undermining; for your glory, which can be advanced only by rendering your subjects happy, and keeping them united; for the interests of your family, depending on an adherence to the principles that enthroned it; for the safety and welfare of your kingdoms and dominions, threatened with almost unavoidable dangers and distresses—that your majesty, as the loving father of your whole people, connected by the same bonds of law, loyalty, faith and blood, though dwelling in various countries, will not suffer the transcendant relation formed by these ties to be farther violated, in uncertain expectation of effects, that, if attained, never can compensate for the calamities through which they must be gained.

WE, therefore, most earnestly beseech your majesty, that your royal authority and interposition



sition may be used for our relief; and that a gracious answer may be given to this petition.

THAT your majesty may enjoy every felicity through a long and glorious reign over loyal and happy subjects, and that your descendants may inherit your prosperity and dominions till time shall be no more, is, and always will be, our sincere and fervent prayer.

N O T E VI. PAGE 23.

THURSDAY, October 20, 1774.

THE association being copied, was read and signed at the table—and is as follows :

WE, his majesty's most loyal subjects, the delegates of the several colonies of New-Hampshire, Massachusetts-Bay, Rhode-Island, Connecticut, New-York, New-Jersey, Pennsylvania, the Three Lower Counties of New-Castle, Kent and Suffex on Delaware, Maryland, Virginia, North-Carolina and South-Carolina, deputed to represent them in a continental Congress, held in the city of Philadelphia, on the fifth day of September 1774, avowing our allegiance to his majesty, our affection and regard for our fellow-subjects in Great-Britain and elsewhere, affected with the deepest anxiety, and most alarming apprehensions at those grievances and distresses  
with

with which his majesty's American subjects are oppressed ; and, having taken under our most serious deliberation the state of the whole continent, find, that the present unhappy situation of our affairs is occasioned by a ruinous system of colony-administration, adopted by the British ministry about the year 1763, evidently calculated for enslaving these colonies, and, with them, the British empire. In prosecution of which system, various acts of parliament have been passed for raising a revenue in America ; for depriving the American subjects, in many instances, of the constitutional trial by jury ; exposing their lives to danger, by directing a new and illegal trial beyond the seas, for crimes alleged to have been committed in America : and, in prosecution of the same system, several late, cruel, and oppressive acts have been passed respecting the town of Boston and the Massachusetts-Bay ; and also an act for extending the province of Quebec, so as to border on the western frontiers of these colonies, establishing an arbitrary government therein, and discouraging the settlement of British subjects in that wide extended country. Thus, by the influence of evil principles and ancient prejudices, to dispose the inhabitants to act with hostility against the free Protestant colonies, whenever a wicked ministry shall choose so to direct them.

To obtain redress of these grievances, which threaten destruction to the lives, liberty, and property of his majesty's subjects in North-America,

rica, we are of opinion, that a non-importation, non-consumption, and non-exportation agreement, faithfully adhered to, will prove the most speedy, effectual, and peaceable measure; and therefore we do, for ourselves and the inhabitants of the several colonies, whom we represent, firmly agree and associate, under the sacred ties of virtue, honour, and love of our country, as follows :

FIRST, That, from and after the first day of December next, we will not import into British America, from Great-Britain or Ireland, any goods, wares or merchandize whatsoever, or from any other place any such goods, wares or merchandize, as shall have been exported from Great-Britain or Ireland; nor will we, after that day, import any East-India tea from any part of the world; nor any molasses, sirups, paneles, coffee or pimenta, from the British plantations, or from Dominica; nor wines from Madeira, or the Western Islands; nor foreign indigo.

SECOND, We will neither import, nor purchase, any slave imported after the first day of December next; after which time we will wholly discontinue the slave-trade, and will neither be concerned in it ourselves, nor will we hire our vessels, nor sell our commodities or manufactures to those who are concerned in it.

THIRD, As a non-consumption agreement,  
strictly

strictly adhered to, will be an effectual security for the observation of the non-importation, we, as above, solemnly agree and associate, that, from this day, we will not purchase or use any tea imported on account of the East-India company, or any on which a duty hath been or shall be paid; and, from and after the first day of March next, we will not purchase or use any East-India tea whatever; nor will we, nor shall any person for or under us, purchase or use any of those goods, wares or merchandize, we have agreed not to import, which we shall know, or have cause to suspect, were imported after the first day of December, except such as come under the rules and directions of the tenth article hereafter mentioned.

FOURTH, The earnest desire we have not to injure our fellow-subjects in Great-Britain, Ireland or the West-Indies, induces us to suspend a non-exportation until the tenth day of September 1775; at which time, if the said acts and parts of acts of the British parliament herein after mentioned are not repealed, we will not directly or indirectly export any merchandize or commodity whatsoever to Great-Britain, Ireland or the West-Indies, except rice to Europe.

FIFTH, Such as are merchants, and use the British and Irish trade, will give orders, as soon as possible, to their factors, agents and correspondents, in Great-Britain and Ireland, not to  
ship



ship any goods to them, on any pretence whatsoever, as they cannot be received in America; and if any merchant, residing in Great-Britain or Ireland, shall directly or indirectly ship any goods, wares or merchandize, for America, in order to break the said non-importation agreement, or in any manner contravene the same, on such unworthy conduct being well attested, it ought to be made publick; and, on the same being so done, we will not from thenceforth have any commercial connection with such merchant.

SIXTH, That such as are owners of vessels will give positive orders to their captains, or masters, not to receive on board their vessels any goods prohibited by the said non-importation agreement, on pain of immediate dismissal from their service.

SEVENTH, We will use our utmost endeavours to improve the breed of sheep, and increase their number to the greatest extent, and, to that end, we will kill them as sparingly as may be, especially those of the most profitable kind; nor will we export any to the West-Indies or elsewhere; and those of us, who are or may become overstocked with, or can conveniently spare any sheep, will dispose of them to our neighbours, especially to the poorer sort, on moderate terms.

EIGHTH, We will, in our several stations, encourage



encourage frugality, œconomy and industry; and promote agriculture, arts, and the manufactures of this country, especially that of wool; and will discountenance and discourage every species of extravagance and dissipation, especially all horse-racing, and all kinds of gaming, cock-fighting, exhibitions of shews, plays, and other expensive diversions and entertainments. And, on the death of any relation or friend, none of us, or any of our families, will go into any further mourning-dress than a black crape or riband on the arm or hat for gentlemen, and a black riband and necklace for ladies, and we will discontinue the giving of gloves and scarfs at funerals.

NINTH, Such as are venders of goods or merchandize will not take advantage of the scarcity of goods that may be occasioned by this association, but will sell the same at the rates we have been respectively accustomed to do, for twelve months last past.—And if any vender of goods or merchandize shall sell any such goods on higher terms, or shall in any manner, or by any device whatsoever, violate or depart from this agreement, no person ought, nor will any of us deal with any such person, or his, or her factor or agent, at any time thereafter, for any commodity whatever.

TENTH, IN case any merchant, trader, or other persons, shall import any goods or mer-  
K k
chandize

chandize after the first day of December, and before the first day of February next, the same ought forthwith, at the election of the owner, to be either reshipped or delivered up to the committee of the county, or town wherein they shall be imported, to be stored at the risk of the importer, until the non-importation agreement shall cease, or be sold under the direction of the committee aforesaid; and in the last mentioned case, the owner or owners of such goods shall be reimbursed (out of the sales) the first cost and charges, the profit, if any, to be applied towards relieving and employing such poor inhabitants of the town of Boston, as are immediate sufferers by the Boston port-bill; and a particular account of all goods so returned, stored or sold, to be inserted in the publick papers; and if any goods or merchandizes shall be imported after the said first day of February, the same ought forthwith to be sent back again, without breaking any of the packages thereof.

ELEVENTH, That a committee be chosen in every county, city and town, by those who are qualified to vote for representatives in the legislature, whose business it shall be attentively to observe the conduct of all persons touching this association; and when it shall be made to appear to the satisfaction of a majority of any such committee, that any person within the limits of their appointment has violated this association, that such majority do forthwith cause the truth of the case

case to be published in the Gazette, to the end, that all such foes to the rights of British America may be publickly known, and universally condemned as the enemies of American liberty; and thenceforth we respectively will break off all dealings with him or her.

**TWELFTH,** That the committee of correspondence in the respective colonies do frequently inspect the entries of their custom-houses, and inform each other from time to time of the true state thereof, and of every other material circumstance that may occur relative to this association.

**THIRTEENTH,** That all manufactures of this country be sold at reasonable prices, so that no undue advantage be taken of a future scarcity of goods.

**FOURTEENTH,** And we do further agree and resolve, that we will have no trade, commerce, dealings or intercourse whatsoever, with any colony or province, in North-America, which shall not accede to, or which shall hereafter violate this association, but will hold them as unworthy of the rights of freemen, and as inimical to the liberties of their country.

**AND** we do solemnly bind ourselves and our constituents, under the ties aforesaid, to adhere to this association until such parts of the several acts of parliament passed since the close of the last

last war, as impose or continue duties on tea, wine, molasses sirups, paneles, coffee, sugar, pimenta, indigo, foreign paper, glafs, and painters colours, imported into America, and extend the powers of the admiralty-courts beyond their ancient limits, deprive the American subject of trial by jury, authorize the judge's certificate to indemnify the prosecutor from damages, that he might otherwise be liable to from a trial by his peers, require oppressive security from a claimant of ships or goods seized, before he shall be allowed to defend his property, are repealed—And until that part of the act of the 12. Geo. III. ch. 24. entitled, ‘ An act for the better securing his majesty's dock-yards, magazines, ships, ammuniti-  
‘ on and stores,’ by which any persons, charged with committing any of the offences therein described, in America, may be tried in any shire or county within the realm, is repealed—And until the four acts passed in the last session of parliament, viz. that for stopping the port and blocking up the harbour of Boston—that for altering the charter and government of the Massachusetts-Bay—and that which is entitled, ‘ An act for the  
‘ better administration of justice,’ &c.—and that ‘ for extending the limits of Quebec,’ &c. are repealed.. And we recommend it to the provincial conventions, and to the committees in the respective colonies, to establish such farther regulations as they may think proper, for carrying into execution this association.



THE foregoing association being determined upon by the Congress, was ordered to be subscribed by the several members thereof; and thereupon we have hereunto set our respective names accordingly.

In Congress, Philadelphia, October 24.

Signed,

PEYTON RANDOLPH, president.

NEW-HAMPSHIRE,	{ John Sullivan, Nathaniel Folsom.
MASSACHUSETTS-BAY,	{ Thomas Cushing, Samuel Adams, John Adams, Robert-Treat Paine.
RHODE-ISLAND,	{ Stephen Hopkins, Samuel Ward.
CONNECTICUT,	{ Eliphalet Dyer, Roger Sherman, Silas Deane.
NEW-YORK,	{ Isaac Low, John Alfop, John Jay, James Duane, William Floyd, Henry Wisner, S. Boerum, Philip Livingston.
	NEW-JERSEY,



NEW-JERSEY,

{ James Kinsey,  
William Livingston,  
Stephen Crane,  
Richard Smith,  
John De-Hart.

PENNSYLVANIA,

{ Joseph Galloway,  
John Dickinson,  
Charles Humphreys,  
Thomas Mifflin,  
Edward Biddle,  
John Morton,  
George Ross.

NEW-CASTLE, &c.

{ Cæsar Rodney,  
Thomas M'Kean,  
George Read.

MARYLAND,

{ Matthew Tilghman,  
Thomas Johnson,  
William Paca,  
Samuel Chase.

VIRGINIA,

{ Richard-Henry Lee,  
George Washington,  
P. Henry, jun.  
Richard Bland,  
Benjamin Harrison,  
Edmund Pendleton.

NORTH-CAROLINA,

{ William Hooper,  
Joseph Hewes,  
R. Caswell.

SOUTH-CAROLINA,

SOUTH-CAROLINA,

{ Henry Middleton,  
 { Thomas Lynch,  
 { Christopher Gadsden,  
 { John Rutledge,  
 { Edward Rutledge.

## N O T E VII. PAGE 23.

*To the PEOPLE of GREAT-BRITAIN, from the DELEGATES, appointed by the several English colonies of New-Hampshire, Massachusetts-Bay, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, The Lower Counties on Delaware, Maryland, Virginia, North-Carolina, and South-Carolina, to consider of their grievances in GENERAL CONGRESS, at Philadelphia, September 5th, 1774.*

FRIENDS and FELLOW-SUBJECTS,

**W**HEN a nation, led to greatness by the hand of liberty, and possessed of all the glory that heroism, munificence, and humanity can bestow, descends to the ungrateful task of forging chains for her friends and children, and instead of giving support to freedom, turns advocate for slavery and oppression, there is reason to suspect she has either ceased to be virtuous, or been extremely negligent in the appointment of her rulers.

IN

IN almost every age, in repeated conflicts, in long and bloody wars, as well civil as foreign, against many and powerful nations, against the open assaults of enemies, and the more dangerous treachery of friends, have the inhabitants of your island, your great and glorious ancestors, maintained their independence, and transmitted the rights of men and the blessings of liberty to you their posterity.

BE not surprized therefore, that we, who are descended from the same common ancestors; that we, whose forefathers participated in all the rights, the liberties and the constitution, you so justly boast, and who have carefully conveyed the same fair inheritance to us, guaranteed by the plighted faith of government, and the most solemn compacts with British sovereigns, should refuse to surrender them to men, who found their claims on no principles of reason, and who prosecute them with a design, that by having our lives and property in their power, they may with the greater facility enslave you.

THE cause of America is now the object of universal attention: it has at length become very serious. This unhappy country has not only been oppressed, but abused and misrepresented; and the duty we owe to ourselves and posterity, to your interest, and the general welfare of the British empire, leads us to address you on this very important subject.

KNOW

KNOW then, that we consider ourselves, and do insist that we are and ought to be, as free as our fellow-subjects in Britain, and that no power on earth has a right to take our property from us without our consent.

THAT we claim all the benefits secured to the subject by the English constitution, and particularly that inestimable one of trial by jury.

THAT we hold it essential to English liberty, that no man be condemned unheard, or punished for supposed offences, without having an opportunity of making his defence.

THAT we think the legislature of Great-Britain is not authorized by the constitution to establish a religion fraught with sanguinary and impious tenets, or to erect an arbitrary form of government in any quarter of the globe. These rights we, as well as you, deem sacred. And yet, sacred as they are, they have, with many others, been repeatedly and flagrantly violated.

ARE not the proprietors of the soil of Great-Britain lords of their own property? Can it be taken from them without their consent? Will they yield it to the arbitrary disposal of any man, or number of men whatever?—You know they will not.

WHY then are the proprietors of the soil of  
 L 1 America

America less lords of their property than you are of yours, or why should they submit it to the disposal of your parliament, or any other parliament, or council in the world, not of their election? Can the intervention of the sea that divides us, cause disparity in rights, or can any reason be given why English subjects, who live three thousand miles from the royal palace, should enjoy less liberty than those who are three hundred miles distant from it?

REASON looks with indignation on such distinctions, and freemen can never perceive their propriety. And yet, however chimerical and unjust such discriminations are, the parliament assert that they have a right to bind us in all cases without exception, whether we consent or not; that they may take and use our property when and in what manner they please; that we are pensioners on their bounty for all that we possess, and can hold it no longer than they vouchsafe to permit. Such declarations we consider as heresies in English politicks, and which can no more operate to deprive us of our property, than the interdicts of the Pope can divest Kings of sceptres, which the laws of the land and the voice of the people have placed in their hands.

AT the conclusion of the late war—a war rendered glorious by the abilities and integrity of a minister, to whose efforts the British empire owes its safety and its fame—at the conclusion  
of



of this war, which was succeeded by an inglorious peace, formed under the auspices of a minister of principles, and of a family unfriendly to the Protestant cause, and inimical to liberty—We say at this period, and under the influence of that man, a plan for enslaving your fellow-subjects in America was concerted, and has ever since been pertinaciously carrying into execution.

PRIOR to this æra you were content with drawing from us the wealth produced by our commerce. You restrained our trade in every way that could conduce to your emolument. You exercised unbounded sovereignty over the sea. You named the ports and nations to which alone our merchandize should be carried, and with whom alone we should trade; and though some of these restrictions were grievous, we nevertheless did not complain; we looked up to you as to our parent-state to which we were bound by the strongest ties—and were happy in being instrumental to your prosperity and your grandeur.

WE call upon you yourselves, to witness our loyalty and attachment to the common interest of the whole empire. Did we not, in the last war, add all the strength of this vast continent to the force which repelled our common enemy? Did we not leave our native shores and meet disease and death, to promote the success of British arms in foreign climates? Did you not thank us for our zeal, and even reimburse us large sums of money

money which you confessed we had advanced beyond our proportion, and far beyond our abilities?—You did.

To what causes, then, are we to attribute the sudden change of treatment, and that system of slavery which was prepared for us at the restoration of peace?

BEFORE we had recovered from the distresses which ever attend war, an attempt was made to drain this country of all its money, by the oppressive stamp-act. Paint, glass, and other commodities which you would not permit us to purchase of other nations, were taxed; nay, although no wine is made in any country subject to the British state, you prohibited our procuring it of foreigners without paying a tax imposed by your parliament on all we imported. These and many other impositions were laid upon us most unjustly and unconstitutionally, for the express purpose of raising a revenue.—In order to silence complaint, it was, indeed, provided that this revenue should be expended in America for its protection and defence.—These exactions, however, can receive no justification from a pretended necessity of protecting and defending us. They are lavishly squandered on court-favourites and ministerial dependants, generally avowed enemies to America, and employing themselves, by partial representations, to traduce and embroil the colonies. For the necessary support of government

vernment here, we ever were and ever shall be ready to provide. And whenever the exigencies of the state may require it, we shall, as we have heretofore done, cheerfully contribute our full proportion of men and money. To enforce this unconstitutional and unjust scheme of taxation, every fence that the wisdom of our British ancestors had carefully erected against arbitrary power, has been violently thrown down in America, and the inestimable right of trial by jury taken away in cases that touch both life and property.—It was ordained that whenever offences should be committed in the colonies against particular acts imposing various duties and restrictions upon trade, the prosecutor might bring his action for the penalties in the courts of admiralty; by which means the subject lost the advantage of being tried by an honest uninfluenced jury of the vicinage, and was subjected to the sad necessity of being judged by a single man, a creature of the crown, and according to the course of a law which exempts the prosecutor from the trouble of proving his accusation, and obliges the defendant either to evince his innocence or to suffer. To give this new judicatory the greater importance, and as if with design to protect false accusers, it is further provided, that the judge's certificate of there having been probable causes of seizure and prosecution, shall protect the prosecutor from actions at common law for recovery of damages.

By the course of our law, offences committed in such of the British dominions in which courts are established, and justice duly and regularly administered, shall be there tried by a jury of the vicinage. There the offenders and the witnesses are known, and the degree of credibility to be given to their testimony, can be ascertained.

IN all these colonies, justice is regularly and impartially administered, and yet, by the construction of some, and the direction of other acts of parliament, offenders are to be taken by force, together with all such persons as may be pointed out as witnesses, and carried to England, there to be tried in a distant land, by a jury of strangers, and subject to all the disadvantages that result from want of friends, want of witnesses, and want of money.

WHEN the design of raising a revenue from the duties imposed on the importation of tea into America had in great measure been rendered abortive by our ceasing to import that commodity, a scheme was concerted by the ministry with the East-India company, and an act passed enabling and encouraging them to transport and vend it in the colonies. Aware of the danger of giving success to this insidious manœuvre, and of permitting a precedent of taxation thus to be established among us, various methods were adopted to elude the stroke. The people of Boston, then ruled by a governor, whom, as well as his

his predecessor sir Francis Bernard, all America considers as her enemy, were exceedingly embarrassed. The ships which had arrived with the tea, were by his management prevented from returning.—The duties would have been paid; the cargoes landed and exposed to sale; a governor's influence would have procured and protected many purchasers. While the town was suspended by deliberations on this important subject, the tea was destroyed. Even supposing a trespass was thereby committed, and the proprietors of the tea entitled to damages—the courts of law were open, and judges appointed by the crown presided in them.—The East-India company, however, did not think proper to commence any suits, nor did they even demand satisfaction either from individuals or from the community in general. The ministry, it seems, officiously made the case their own, and the great council of the nation descended to intermeddle with a dispute about private property.—Divers papers, letters, and other unauthenticated ex parte evidence were laid before them; neither the persons who destroyed the tea, nor the people of Boston, were called upon to answer the complaint. The ministry, incensed by being disappointed in a favourite scheme, were determined to recur from the little arts of finesse, to open force and unmanly violence. The port of Boston was blocked up by a fleet, and an army placed in the town. Their trade was to be suspended, and thousands reduced to the necessity of gaining subsistence  
from



from charity, till they should submit to pass under the yoke, and consent to become slaves, by confessing the omnipotence of parliament, and acquiescing in whatever disposition they might think proper to make of their lives and property.

LET justice and humanity cease to be the boast of your nation ! consult your history—examine your records of former transactions ; nay, turn to the annals of the many arbitrary states and kingdoms that surround you, and shew us a single instance of men being condemned to suffer for imputed crimes, unheard, unquestioned, and without even the specious formality of a trial ; and that too by laws made expressly for the purpose, and which had no existence at the time of the fact committed. If it be difficult to reconcile these proceedings to the genius and temper of your laws and constitution, the task will become more arduous, when we call upon our ministerial enemies to justify, not only condemning men untried and by hearsay, but involving the innocent in one common punishment with the guilty, and for the act of thirty or forty, to bring poverty, distress and calamity, on thirty thousand souls, and those not your enemies, but your friends, brethren, and fellow-subjects.

IT would be some consolation to us, if the catalogue of American oppressions ended here. It gives us pain to be reduced to the necessity of reminding you, that under the confidence reposed

posed in the faith of government, pledged in a royal charter from a British sovereign, the forefathers of the present inhabitants of the Massachusetts-Bay left their former habitations, and established that great, flourishing, and loyal colony. Without incurring or being charged with a forfeiture of their rights, without being heard, without being tried, without law, and without justice, by an act of parliament, their charter is destroyed, their liberties violated, their constitution and form of government changed: and all this upon no better pretence, than because in one of their towns a trespass was committed on some merchandize said to belong to one of the companies, and because the ministry were of opinion, that such high political regulations were necessary to compel due subordination and obedience to their mandates.

NOR are these the only capital grievances under which we labour. We might tell of dissolute, weak and wicked governors having been set over us; of legislatures being suspended for asserting the rights of British subjects—of needy and ignorant dependants on great men advanced to the seats of justice, and to other places of trust and importance;—of hard restrictions on commerce, and a great variety of lesser evils, the recollection of which is almost lost under the weight and pressure of greater and more poignant calamities.

Now

Now mark the progression of the ministerial plan for enslaving us.

WELL aware that such hardy attempts to take our property from us; to deprive us of that valuable right of trial by jury; to seize our persons, and carry us for trial to Great-Britain; to blockade our ports; to destroy our charters, and change our forms of government, would occasion, and had already occasioned, great discontent in all the colonies, which might produce opposition to these measures: an act was passed to protect, indemnify, and screen from punishment such as might be guilty even of murder, in endeavouring to carry their oppressive edicts into execution; and by another act the dominion of Canada is to be so extended, modelled and governed, as that by being disunited from us, detached from our interests, by civil as well as religious prejudices, that by their numbers daily swelling with Catholick emigrants from Europe, and by their devotion to administration, so friendly to their religion, they might become formidable to us, and on occasion be fit instruments in the hands of power, to reduce the ancient free Protestant colonies to the same state of slavery with themselves.

THIS was evidently the object of the act:—and in this view, being extremely dangerous to our liberty and quiet, we cannot forbear complaining of it, as hostile to British America.—Superadded

peradded to these considerations, we cannot help deploring the unhappy condition to which it has reduced the many English settlers, who, encouraged by the royal proclamation, promising the enjoyment of all their rights, have purchased estates in that country.—They are now the subjects of an arbitrary government, deprived of trial by jury, and when imprisoned cannot claim the benefit of the habeas corpus act, that great bulwark and palladium of English liberty:—nor can we suppress our astonishment, that a British parliament should ever consent to establish in that country a religion that has deluged your island in blood, and dispersed impiety, bigotry, persecution, murder and rebellion, through every part of the world.

THIS being a true state of facts, let us beseech you to consider to what end they lead.

ADMIT that the ministry, by the powers of Britain, and the aid of our Roman Catholick neighbours, should be able to carry the point of taxation, and reduce us to a state of perfect humiliation and slavery. Such an enterprize would doubtless make some addition to your national debt, which already presses down your liberties, and fills you with pensioners and placemen,—We presume, also, that your commerce will somewhat be diminished. However, suppose you should prove victorious—in what condition will  
you

you then be? What advantages or what laurels will you reap from such a conquest?

MAY not a ministry with the same armies enslave you?—It may be said you will cease to pay them—but remember the taxes from America, the wealth, and we may add, the men, and particularly the Roman Catholics of this vast continent will then be in the power of your enemies—nor will you have any reason to expect, that, after making slaves of us, many among us should refuse to assist in reducing you to the same abject state.

Do not treat this as chimerical—Know that in less than half a century, the quitrents reserved to the crown, from the numberless grants of this vast continent, will pour large streams of wealth into the royal coffers, and if to this be added the power of taxing America at pleasure, the crown will be rendered independent on you for supplies, and will possess more treasure than may be necessary to purchase the remains of liberty in your island.—In a word, take care that you do not fall into the pit that is preparing for us.

WE believe there is yet much virtue, much justice, and much publick spirit in the English nation—To that justice we now appeal. You have been told that we are seditious, impatient of government, and desirous of independency.

Be



Be assured that these are not facts, but calumnies—Permit us to be as free as yourselves, and we shall ever esteem a union with you to be our greatest glory and our greatest happiness; we shall ever be ready to contribute all in our power to the welfare of the empire—we shall consider your enemies as our enemies, and your interest as our own.

BUT if you are determined that your ministers shall wantonly sport with the rights of mankind—If neither the voice of justice, the dictates of the law, the principles of the constitution, or the suggestions of humanity, can restrain your hands from shedding human blood in such an impious cause, we must then tell you that we never will submit to be hewers of wood or drawers of water for any ministry or nation in the world.

PLACE us in the same situation that we were at the close of the last war, and our former harmony will be restored.

BUT lest the same supineness and the same inattention to our common interest, which you have for several years shewn, should continue, we think it prudent to anticipate the consequences.

By the destruction of the trade of Boston, the ministry have endeavoured to induce submission to their measures.—The like fate may befall us  
all,

all, we will endeavour therefore to live without trade, and recur for subsistence to the fertility and bounty of our native soil, which will afford us all the necessaries and some of the conveniences of life.—We have suspended our importation from Great-Britain and Ireland; and in less than a year's time, unless our grievances should be redressed, shall discontinue our exports to those kingdoms and the West-Indies.

IT is with the utmost regret, however, that we find ourselves compelled by the over-ruling principles of self-preservation, to adopt measures detrimental in their consequences to numbers of our fellow-subjects in Great-Britain and Ireland. But we hope that the magnanimity and justice of the British nation will furnish a parliament of such wisdom, independence and publick spirit, as may save the violated rights of the whole empire from the devices of wicked ministers and evil counsellors whether in or out of office, and thereby restore that harmony, friendship and fraternal affection between all the inhabitants of his majesty's kingdoms and territories, so ardently wished for by every true and honest American.

N O T E

## N O T E      V I I I .      P A G E    23.

*To the INHABITANTS of the COLONIES of New-Hampshire, Massachusetts-Bay, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, the Counties of New-Castle, Kent and Suffex on Delaware, Maryland, Virginia, North-Carolina and South-Carolina.*

FRIENDS and COUNTRYMEN,

**W**E, the delegates appointed by the good people of these colonies to meet at Philadelphia in September last, for the purposes mentioned by our respective constituents, have, in pursuance of the trust reposed in us, assembled, and taken into our most serious consideration the important matters recommended to the Congress. Our resolutions thereupon will be herewith communicated to you. But, as the situation of publick affairs grows daily more and more alarming; and as it may be more satisfactory to you to be informed by us in a collective body, than in any other manner, of those sentiments that have been approved, upon a full and free discussion by the representatives of so great a part of America, we esteem ourselves obliged to add this address to these resolutions.

IN every case of opposition by a people to their rulers, or of one state to another, duty to  
 Almighty

Almighty God, the Creator of all, requires that a true and impartial judgment be formed of the measures leading to such opposition; and of the causes by which it has been provoked, or can in any degree be justified: that neither affection on the one hand, nor resentment on the other, being permitted to give a wrong bias to reason, it may be enabled to take a dispassionate view of all circumstances, and to settle the publick conduct on the solid foundations of wisdom and justice.

FROM councils thus tempered arise the surest hopes of the Divine favour, the firmest encouragement to the parties engaged, and the strongest recommendation of their cause to the rest of mankind.

WITH minds deeply impressed by a sense of these truths, we have diligently, deliberately and calmly enquired into and considered those exertions, both of the legislative and executive power of Great-Britain, which have excited so much uneasiness in America, and have with equal fidelity and attention considered the conduct of the colonies. Upon the whole, we find ourselves reduced to the disagreeable alternative of being silent and betraying the innocent, or of speaking out and censuring those we wish to revere.—In making our choice of these distressing difficulties, we prefer the course dictated by honesty, and a regard for the welfare of our country.

SOON

SOON after the conclusion of the late war, there commenced a memorable change in the treatment of these colonies. By a statute made in the fourth year of the present reign, a time of profound peace, alleging ‘ the expediency ‘ of new provisions and regulations for extending the commerce between Great-Britain and ‘ his majesty’s dominions in America, and the ‘ necessity of raising a revenue in the said dominions for defraying the expences of defending, ‘ protecting, and securing the same,’ the commons of Great-Britain undertook to give and grant to his majesty many rates and duties, to be paid in these colonies. To enforce the observance of this act, it prescribes a great number of severe penalties and forfeitures; and in two sections makes a remarkable distinction between the subjects in Great-Britain and those in America. By the one, the penalties and forfeitures incurred there are to be recovered in any of the King’s courts of record at Westminster, or in the court of exchequer in Scotland; and by the other, the penalties and forfeitures incurred here are to be recovered in any court of record, or in any court of admiralty or vice-admiralty, at the election of the informer or prosecutor.

THE inhabitants of these colonies, confiding in the justice of Great-Britain, were scarcely allowed sufficient time to receive and consider this act, before another, well known by the

N n

name



name of the stamp-act, and passed in the fifth year of this reign, engrossed their whole attention. By this statute the British parliament exercised, in the most explicit manner, a power of taxing us, and, extending the jurisdiction of courts of admiralty and vice-admiralty in the colonies to matters arising within the body of a county, directed the numerous penalties and forfeitures thereby inflicted, to be recovered in the said courts.

IN the same year a tax was imposed upon us by an act establishing several new fees in the customs. In the next year the stamp-act was repealed; not because it was founded in an erroneous principle, but, as the repealing act recites, because ‘ the continuance thereof would be  
‘ attended with many inconveniencies, and might  
‘ be productive of consequences greatly detri-  
‘ mental to the commercial interest of Great-  
‘ Britain.’

IN the same year, and by a subsequent act, it was declared, ‘ that his majesty in parlia-  
‘ ment, of right, had power to bind the people  
‘ of these colonies by statutes IN ALL CASES  
‘ WHATSOEVER.’

IN the same year another act was passed for imposing rates and duties payable in these colonies. In this statute the commons, avoiding the terms of giving and granting, ‘ humbly besought  
‘ his

‘ his majesty that it might be enacted,’ &c. But, from a declaration in the preamble, that the rates and duties were ‘ in lieu of’ several others granted by the statute first before mentioned for raising a revenue, and from some other expressions it appears, that these duties were intended for that purpose.

IN the next year, 1767, an act was made ‘ to enable his majesty to put the customs and ‘ other duties in America under the management ‘ of commissioners,’ &c. and the King thereupon erected the present expensive board of commissioners, for the express purpose of carrying into execution the several acts relating to the revenue and trade in America.

AFTER the repeal of the stamp-act, having again resigned ourselves to our ancient unsuspecting affections for the parent-state, and anxious to avoid any controversy with her, in hopes of a favourable alteration in sentiments and measures towards us, we did not press our objections against the above-mentioned statutes made subsequent to that repeal.

ADMINISTRATION, attributing to trifling causes a conduct that really proceeded from generous motives, were encouraged in the same year, 1767, to make a ‘ bolder experiment on the patience of America.

By a statute commonly called the glass, paper and tea-act, made fifteen months after the repeal of the stamp-act, the commons of Great-Britain resumed their former language, and again undertook to ‘give and grant rates and duties to be ‘paid in these colonies,’ for the express purpose of ‘raising a revenue to defray the charges of ‘the administration of justice, the support of civil ‘government, and defending the King’s dominions,’ on this continent. The penalties and forfeitures incurred under this statute, are to be recovered in the same manner, with those mentioned in the foregoing acts.

To this statute, so naturally tending to disturb the tranquility then universal throughout the colonies, parliament, in the same session, added another no less extraordinary.

EVER since the making the present peace, a standing army has been kept in these colonies. From respect for the mother-country, the innovation was not only tolerated, but the provincial legislatures generally made provision for supplying the troops.

THE assembly of the province of New-York, having passed an act of this kind, but differing in some articles from the directions of the act of parliament made in the fifth year of this reign, the house of representatives in that colony was prohibited by a statute made in the session last mentioned,

mentioned, from making any bill, order, resolution or vote, except for adjourning or choosing a speaker, until provision should be made by the said assembly for furnishing the troops within that province, not only with all such necessaries as were required by the statute which they were charged with disobeying, but also with those required by two other subsequent statutes, which were declared to be in force until the twenty-fourth day of March 1769.

THESE statutes of the year 1767 revived the apprehensions and discontents, that had entirely subsided on the repeal of the stamp-act; and, amidst the just fears and jealousies thereby occasioned, a statute was made in the next year, 1768, to establish courts of admiralty and vice-admiralty on a new model, expressly for the end of more effectually recovering the penalties and forfeitures inflicted by acts of parliament, framed for the purpose of raising a revenue in America, &c.

THE immediate tendency of these statutes is, to subvert the right of having a share in legislation, by rendering assemblies useless; the right of property, by taking the money of the colonists without their consent; the right of trials by jury, by substituting in their place trials in admiralty and vice-admiralty courts, where single judges preside, holding their commissions during pleasure; and unduly to influence the courts of  
common

common law, by rendering the judges thereof totally dependant on the crown for their salaries.

THESE statutes, not to mention many others exceedingly exceptionable, compared one with another, will be found, not only to form a regular system in which every part has great force, but also a pertinacious adherence to that system, for subjugating these colonies that are not, and from local circumstances cannot, be represented in the house of commons, to the uncontrollable and unlimited power of parliament, in violation of their undoubted rights and liberties, in contempt of their humble and repeated supplications.

THIS conduct must appear equally astonishing and unjustifiable, when it is considered how unprovoked it has been by any behaviour of these colonies. From their first settlement their bitterest enemies never fixed on any of them a charge of disloyalty to their sovereign, or disaffection to their mother-country. In the wars she has carried on, they have exerted themselves whenever required, in giving her assistance; and have rendered her services, which she has publicly acknowledged to be extremely important. Their fidelity, duty and usefulness, during the last war, were frequently and affectionately confessed by his late majesty and the present King.

THE reproaches of those who are most unfriendly to the freedom of America, are principally



pally levelled against the province of Massachusetts-Bay ; but with what little reason will appear by the following declarations of a person, the truth of whose evidence, in their favour, will not be questioned—Governor Bernard thus addresses the two houses of assembly, in his speech on the 24th of April 1762,—‘ The unanimity and dispatch, with which you have complied with the requisitions of his majesty, require my particular acknowledgment. And it gives me additional pleasure to observe, that you have therein acted under no other influence than a due sense of your duty, both as members of a general empire, and as the body of a particular province.’

IN another speech, on the 27th of May, in the same year, he says,—‘ Whatever shall be the event of the war, it must be no small satisfaction to us, that this province hath contributed its full share to the support of it. Every thing that hath been required of it hath been complied with ; and the execution of the powers committed to me, for raising the provincial troops, hath been as full and complete as the grant of them. Never before were regiments so easily levied, so well composed, and so early in the field as they have been this year ; the common people seemed to be animated with the spirit of the general court, and to vie with them in their readiness to serve the King.’

SUCH was the conduct of the people of the Massachusetts-Bay, during the last war. As to their behaviour before that period, it ought not to have been forgot in Great-Britain, that not only on every occasion they had constantly and cheerfully complied with the frequent royal requisitions—but that chiefly by their vigorous efforts, Nova-Scotia was subdued in 1710, and Louisbourg in 1745.

FOREIGN quarrels being ended, and the domestick disturbances that quickly succeeded on account of the stamp-act, being quieted by its repeal, the assembly of Massachusetts-Bay transmitted an humble address of thanks to the King and divers noblemen, and soon after passed a bill for granting compensation to the sufferers in the disorder occasioned by that act.

THESE circumstances, and the following extracts from governor Bernard's letters in 1768, to the earl of Shelburne, secretary of state, clearly shew, with what grateful tenderness they strove to bury in oblivion the unhappy occasion of the late discords, and with what respectful deference they endeavoured to escape other subjects of future controversy. 'The house,' says the governor, 'from the time of opening the session to this day, has shewn a disposition to avoid all dispute with me; every thing having passed with as much good humour as I could desire, except only their continuing to  
' act

‘ act in addressing the King, remonstrating to the  
 ‘ secretary of state, and employing a separate  
 ‘ agent. It is the importance of this innovation,  
 ‘ without any wilfulness of my own, which in-  
 ‘ duces me to make this remonstrance at a time  
 ‘ when I have a fair prospect of having, in all  
 ‘ other business, nothing but good to say of the  
 ‘ proceedings of the house.’\*

‘ THEY have acted in all things, even in their  
 ‘ remonstrance, with temper and moderation; they  
 ‘ have avoided some subjects of dispute, and have  
 ‘ laid a foundation for removing some causes of  
 ‘ former altercation.’†

‘ I SHALL make such a prudent and proper use  
 ‘ of this letter as, I hope, will perfectly restore  
 ‘ the peace and tranquility of this province, for  
 ‘ which purpose considerable steps have been made  
 ‘ by the house of representatives.’‡

THE vindication of the province of Massachu-  
 setts-Bay, contained in these letters, will have  
 greater force, if it be considered, that they were  
 written several months after the fresh alarm  
 given to the colonies by the statutes passed in the  
 preceding year.

IN this place it seems proper to take notice of  
 the insinuation in one of these statutes, that the  
 interference of parliament was necessary to pro-

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vide

\* January 21, 1768. † January 30, 1768. ‡ Feb. 2, 1768.

vide for ‘ defraying the charge of the administration of justice, the support of civil government, and defending the King’s dominions in America.’

As to the two first articles of expence, every colony had made such provision, as by their respective assemblies, the best judges on such occasions, was thought expedient, and suitable to their several circumstances. Respecting the last, it is well known to all men the least acquainted with American affairs, that the colonies were established, and have generally defended themselves, without the least assistance from Great-Britain; and, that at the time of her taxing them by the statutes before mentioned, most of them were labouring under very heavy debts contracted in the last war. So far were they from sparing their money, when their sovereign, constitutionally, asked their aids, that, during the course of that war, parliament repeatedly made them compensations for the expences of those strenuous efforts, which, consulting their zeal rather than their strength, they had cheerfully incurred.

SEVERE as the acts of parliament before-mentioned are, yet the conduct of administration has been equally injurious, and irritating to this devoted country.

UNDER pretence of governing them, so many new institutions, uniformly rigid and dangerous, have

have been introduced, as could only be expected from incensed masters, for collecting the tribute, or rather the plunder, of conquered provinces.

By an order of the King, the authority of the commander in chief, and under him of the brigadiers general, in time of peace, is rendered supreme in all the civil governments in America; and thus an uncontrollable military power is vested in officers not known to the constitution of these colonies.

A LARGE body of troops, and a considerable armament of ships of war, have been sent to assist in taking their money without their consent.

EXPENSIVE and oppressive offices have been multiplied, and the acts of corruption industriously practised to divide and destroy.

THE judges of the Admiralty and Vice-Admiralty courts are empowered to receive their salaries and fees from the effects to be condemned by themselves.

THE commissioners of the customs are empowered to break open and enter houses without the authority of any civil magistrate founded on legal information.

JUDGES of courts of common law have been  
made



made entirely dependant on the crown for their commissions and salaries.

A COURT has been established at Rhode-Island, for the purpose of taking colonists to England to be tried.

HUMBLE and reasonable petitions from the representatives of the people have been frequently treated with contempt; and assemblies have been repeatedly and arbitrarily dissolved.

FROM some few instances it will sufficiently appear on what pretences of justice those dissolutions have been founded.

THE tranquillity of the colonies having been again disturbed, as has been mentioned, by the statutes of the year 1767, the earl of Hillsborough, secretary of state, in a letter to governor Bernard, dated April 22, 1768, censures the ‘presumption’ of the house of representatives for ‘resolving upon a measure of so inflammatory a nature as that of writing to the other colonies, on the subject of their intended representations against some late acts of parliament,’ then declares that ‘his majesty considers this step as evidently tending to create unwarrantable combinations, to excite an unjustifiable opposition to the constitutional authority of parliament’—and afterwards adds,—‘It is the King’s pleasure, that as soon as the general court is again assembled,

‘sembled, at the time prescribed by the charter,  
 ‘you should require of the house of representa-  
 ‘tives, in his majesty’s name, to rescind the re-  
 ‘solution which gave birth to the circular letter  
 ‘from the speaker, and to declare their disappro-  
 ‘bation of, and dissent to, that rash and hasty  
 ‘proceeding.’

‘IF the new assembly should refuse to comply  
 ‘with his majesty’s reasonable expectation, it is  
 ‘the King’s pleasure that you should immediately  
 ‘dissolve them.’

THIS letter being laid before the house, and the resolution not being rescinded according to the order, the assembly was dissolved. A letter of a similar nature was sent to other governors to procure resolutions, approving the conduct of the representatives of Massachusetts-Bay, to be rescinded also; and the houses of representatives in other colonies refusing to comply, assemblies were dissolved.

THESE mandates spoke a language, to which the ears of English subjects had for several generations been strangers. The nature of assemblies implies a power and right of deliberation; but these commands, proscribing the exercise of judgment on the propriety of the requisitions made, left to the assemblies only the election between dictated submission and threatened punishment: a punishment too, founded on no  
 other

other act, than such as is deemed innocent even in slaves—of agreeing in petitions for redress of grievances, that equally affect all.

THE hostile and unjustifiable invasion of the town of Boston soon followed these events in the same year ; though that town, the province in which it is situated, and all the colonies, from abhorrence of a contest with their parent-state, permitted the execution even of those statutes, against which they so unanimously were complaining, remonstrating and supplicating.

ADMINISTRATION, determined to subdue a spirit of freedom, which English ministers should have rejoiced to cherish, entered into a monopolizing combination with the East-India company, to send to this continent vast quantities of tea, an article on which a duty was laid by a statute, that, in a particular manner, attacked the liberties of America, and which therefore the inhabitants of these colonies had resolved not to import. The cargo sent to South-Carolina was stored, and not allowed to be sold. Those sent to Philadelphia and New-York were not permitted to be landed. That sent to Boston was destroyed, because governor Hutchinson would not suffer it to be returned.

ON the intelligence of these transactions arriving in Great-Britain, the publick spirited town last mentioned was singled out for destruction,  
and

and it was determined, the province it belongs to should partake of its fate. In the last session of parliament, therefore, were passed the acts for shutting up the port of Boston, indemnifying the murderers of the inhabitants of Massachusetts-Bay, and changing their chartered constitution of government. To enforce these acts, that province is again invaded by a fleet and army.

To mention these outrageous proceedings, is sufficient to explain them. For though it is pretended, that the province of Massachusetts-Bay has been particularly disrespectful to Great-Britain, yet in truth the behaviour of the people, in other colonies, has been an equal ‘opposition to the power assumed by parliament.’ No step, however, has been taken against any of the rest. This artful conduct conceals several designs. It is expected that the province of Massachusetts-Bay will be irritated into some violent action, that may displease the rest of the continent, or that may induce the people of Great-Britain to approve the meditated vengeance of an imprudent and exasperated ministry.

If the unexampled pacifick temper of that province shall disappoint this part of the plan, it is hoped the other colonies will be so far intimidated as to desert their brethren, suffering in a common cause, and that thus disunited all may be subdued,

To promote these designs, another measure has been pursued. In the session of parliament last mentioned, an act was passed for changing the government of Quebec, by which act the Roman Catholick religion, instead of being tolerated, as stipulated by the treaty of peace, is established; and the people there are deprived of the right to an assembly, trials by jury and the English laws in civil cases are abolished, and, instead thereof, the French laws are established, in direct violation of his majesty's promise by his royal proclamation, under the faith of which many English subjects settled in that province; and the limits of that province are extended so as to comprehend those vast regions that lie adjoining to the northerly and westerly boundaries of these colonies.

THE authors of this arbitrary arrangement flatter themselves, that the inhabitants, deprived of liberty, and artfully provoked against those of another religion, will be proper instruments for assisting in the oppression of such as differ from them in modes of government and faith.

FROM the detail of facts herein before recited, as well as from authentick intelligence received, it is clear beyond a doubt, that a resolution is formed, and is now carrying into execution, to extinguish the freedom of these colonies, by subjecting them to a despotick government.



AT this unhappy period we have been authorized and directed to meet and consult together for the welfare of our common country. We accepted the important trust with diffidence, but have endeavoured to discharge it with integrity. Though the state of these colonies would certainly justify other measures than we have advised, yet weighty reasons determined us to prefer those which we have adopted. In the first place it appeared to us a conduct becoming the character these colonies have ever sustained, to perform, even in the midst of the unnatural distresses and imminent dangers that surround them, every act of loyalty; and therefore we were induced to offer once more to his majesty the petitions of his faithful and oppressed subjects in America. Secondly, regarding, with the tender affection which we knew to be so universal among our countrymen, the people of the kingdom from which we derive our origin, we could not forbear to regulate our steps by an expectation of receiving full conviction, that the colonists are equally dear to them. Between these provinces and that body subsists the social band, which we ardently wish may never be dissolved, and which cannot be dissolved until their minds shall become indisputably hostile, or their inattention shall permit those who are thus hostile to persist in prosecuting, with the powers of the realm, the destructive measures already operating against the colonists; and in either case shall reduce the latter to such a situation, that

they shall be compelled to renounce every regard, but that of self-preservation. Notwithstanding the vehemence with which affairs have been impelled, they have not yet reached that fatal point. We do not incline to accelerate their motion, already alarmingly rapid ; we have chosen a method of opposition that does not preclude a hearty reconciliation with our fellow-citizens on the other side of the Atlantic. We deeply deplore the urgent necessity that presses us to an immediate interruption of commerce, that may prove injurious to them. We trust they will acquit us of any unkind intentions towards them, by reflecting that we subject ourselves to similar inconveniencies ; that we are driven by the hands of violence into unexperienced and unexpected publick convulsions, and that we are contending for freedom so often contended for by our ancestors.

THE people of England will soon have an opportunity of declaring their sentiments concerning our cause. In their piety, generosity and good sense, we repose high confidence ; and cannot, upon a review of past events, be persuaded, that they, the defenders of true religion, and the assertors of the rights of mankind, will take part against their affectionate Protestant brethren in the colonies, in favour of our open and their own secret enemies, whose intrigues, for several years past, have been wholly exercised in sapping the foundations of civil and religious liberty.

ANOTHER reason that engaged us to prefer the commercial mode of opposition, arose from an assurance that this mode will prove efficacious if it be persisted in with fidelity and virtue ; and that your conduct will be influenced by these laudable principles, cannot be questioned. Your own salvation, and that of your posterity, now depends upon yourselves. You have already shewn that you entertain a proper sense of the blessings you are striving to retain. Against the temporary inconveniencies you may suffer from a stoppage of trade, you will weigh in the opposite balance, the endless miseries you and your descendants must endure from an established arbitrary power. You will not forget the honour of your country, that must, from your behaviour, take its title in the estimation of the world, to glory, or to shame ; and you will, with the deepest attention, reflect, that, if the peaceable mode of opposition recommended by us be broken and rendered ineffectual, as your cruel and haughty ministerial enemies, from a contemptuous opinion of your firmness, insolently predict will be the case, you must inevitably be reduced to choose, either a more dangerous contest, or a final, ruinous and infamous submission.

MOTIVES thus cogent, arising from the emergency of your unhappy condition, must excite your utmost diligence and zeal to give all possible strength and energy to the pacifick measures calculated for your relief ; but we think ourselves

selves bound in duty to observe to you, that the schemes agitated against these colonies have been so conducted, as to render it prudent that you should extend your views to mournful events, and be in all respects prepared for every contingency. Above all things we earnestly entreat you, with devotion of spirit, penitence of heart, and amendment of life, to humble yourselves, and implore the favour of Almighty GOD: and we fervently beseech his Divine Goodness to take you into his gracious protection!

N O T E IX. PAGE 60.

*The address of the general committee of Charleston, to the governor of the province of South-Carolina.*

In general committee, September 29, 1775.

MAY it please your EXCELLENCY,

**I**T is with great concern we find that, for some days past, your excellency has been pleased to withdraw yourself from Charleston, the seat of your government, and have retired on board the King's ship. The inconveniencies which must unavoidably arise to the people, deprived, by this step, of that access to your excellency, which is absolutely necessary for transacting publick affairs, is apparent; and we submit to your excellency's consideration, whether the retirement of our governor to a King's ship, in this time of general disquietude, when the minds of the people are  
filled

filled with the greatest apprehensions for their safety, may not encrease their alarm, and excite jealousies of some premeditated design against them. We therefore entreat, that your excellency will return to Charleston, the usual place of residence of the governor of South-Carolina; and your excellency may be assured, that whilst, agreeable to your repeated and solemn declarations, your excellency shall take no active part against the good people of this colony, in the present arduous struggle for the preservation of their civil liberties, we will, to the utmost of our power, secure to your excellency that safety and respect for your person and character, which the inhabitants of Carolina have ever wished to shew to the representative of their sovereign.

By order of the general committee,

HENRY LAURENS, Chairman.

To lord William Campbell, governor  
and commander in chief, in and over  
his majesty's province of South-Carolina,  
&c. on board his majesty's sloop  
Tamer, in Rebellion-Road.

HIS EXCELLENCY'S ANSWER.

Tamer, Rebellion-Road, September 30.

SIR,

I HAVE received a message, signed by you,  
from a set of people who style themselves a General



neral Committee. The presumption of such an address from a body assembled by no legal authority, and whom I must consider as in actual and open rebellion against their sovereign, can only be equalled by the outrages which obliged me to take refuge on board the King's ships in the harbour. It deserves no answer, nor should I have given it any, but to mark the hardness with which you have advanced, that I could so far forget my duty to my sovereign and my country, as to promise I would take no active part in bringing the subverters of our glorious constitution, and the real liberties of the people, to a sense of their duty. The unmanly arts that have already been used to prejudice me in the general opinion, may still be employed by that committee. But I never will return to Charleston till I can support the King's authority, and protect his faithful and loyal subjects. Whenever the people of this province will put it in my power to render them essential service, I will, with pleasure, embrace the opportunity, and think it a very happy one.

I am,

Sir,

Your most humble servant,

WILLIAM CAMPBELL.

To Henry Laurens, esq.

N O T E

## N O T E X. PAGE 68.

*By the honourable William-Henry Drayton, esq.*

## A D E C L A R A T I O N.

**W**HEREAS the liberties of America being treacherously and cruelly violated, by an abandoned administration in Great-Britain, surrounding the throne, and deceiving majesty, for their own corrupt purposes, thirteen American colonies, including New-Hampshire to the north, and Georgia to the south, virtuously, gloriously, (thanks to the LORD of Hosts!) successfully are confederated, at the hazard of their lives and fortunes, to wrest from the hands of traitors those invaluable which they had ravished from them, and which the Americans have endeavoured to recover by every peaceable mode of application.

AND whereas the tools of administration have encouraged certain inhabitants of this colony to attempt, by every practicable measure, to oppose and to counteract the virtuous efforts of America; these inhabitants, men of low degree among us, though of eminence in this country; men totally illiterate, though of common natural parts; men endeavouring, at this calamitous time, to rise in the world, by misleading their honest neighbours; men who are by his excellency the governor promised to be amply rewarded for such

such an infamous conduct : these men knowingly deceive their neighbours, and wickedly selling their country, have practised every art, fraud and misrepresentation, to raise in this province an opposition to the voice of America :—to oppose this hellish plan, the honourable the council of safety for this colony commissioned the reverend William Tennet and myself to make a progress through the disturbed parts of this colony, ‘ to explain to the people at large the nature of ‘ the unhappy disputes between Great-Britain and ‘ the American colonies ;’ thousands heard and believed us ; they owned their full conviction ; they expressed their concern that they had been misled ; and they most sincerely acceded to the association formed by the authority of our late Congress. Such a proceeding did not accord with the designs of these men, batrayers of their country, or the wishes of his excellency the governor, who by letters instigated them to strengthen their party. To prevent a further defection, the leaders of the party resolved, by the din of arms, to drown the voice of reason. For such an infernal purpose, by the instigation of Moses Kirkland, on or about the 29th of August last, men did actually assemble in arms, and with hostile intentions. My immediately assembling, and marching with a part of the militia, caused these men to disperse ; but now, other leaders, of the same malignant party, correspondents of his excellency the governor, have assembled men in arms, on the north side of Saludy river, who  
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are now actually encamped at a charge and expence which his excellency the governor has promised to repay ; and these men threaten to attack the troops under my orders. Wherefore, to prevent the effusion of civil bloodshed, I think it my duty to issue this declaration, in order that I may leave no moderate step untried to recover a few of our unhappy countrymen from these delusions, by which they have been drawn on to lift their arms against their injured country, gloriously struggling to enjoy the rights of mankind.

AND whereas his excellency the governor has issued private directions, that all magistrates and militia officers be required to take the oath of allegiance, under penalty of dismissal from their several stations, I do hereby declare, that, in point of law, his excellency has no authority to make such requisition from persons who have already sworn according to law, when they were invested in offices, civil or military ; and that it is not only highly unbecoming in his majesty's representative, to threaten his majesty's loyal subjects, in order to induce them to do things not warranted in law, but such a conduct is of a most destructive tendency to the good of the King's real service, inasmuch as it tends to convince the people that his majesty's servants in high trust, in America, as well as Britain, equally conspire to act without authority in law, to the destruction of their just rights and privileges.

AND whereas the leaders of our unhappy and deceived countrymen, now assembled in arms against the liberties of America, have drawn them into this dangerous and disgraceful situation, by filling their minds with fears and apprehensions that their lives and properties are in danger, from the designs of the Congress, the honourable the council of safety, the general committee, and the troops under my orders, because they, our said countrymen, have not acceded to our association : wherefore, to remove all such ill-founded apprehensions, in the name of, and by the authority vested in me by the honourable the council of safety, I solemnly declare, that all such apprehensions are actually groundless ; and I also declare, in the name of the council of safety, that our said unhappy and deceived countrymen may, in perfect safety of their lives, persons and property, repair to, and continue to dwell and abide at home, so long as they shall choose to behave peaceably.—We shudder even at the idea of distressing them in any shape ; we abhor the idea of compelling any person to associate with us ; we only with sorrow declare, that any person who will not associate with, and aid and comfort us, in this arduous struggle for our liberties, cannot by us be considered as friendly to us ; and, therefore, that we cannot aid and comfort such person, by holding that intercourse and communication with such person as is usually held between friends.



AND thus having, in the name of this colony, declared the terms upon which peace and safety may be had and enjoyed by our unfortunate countrymen as aforesaid, it is my duty also to declare, that I shall march and attack, as publick enemies, all and every person in arms, or to be in arms, in this part of the colony, in opposition to the measures of Congress; and having, with the utmost patience and industry, gently endeavoured to persuade men to a peaceable conduct, I now shall, with equal patience and industry, prosecute military measures with the utmost rigour; and I make no doubt but that, with the assistance of the Almighty,—witness our endeavours to avert the calamities of war—we shall speedily obtain—the wish of every virtuous American—peace, safety, and security to our rights.

Given under my hand, this 13th day of September, 1775, at camp, near Ninety-Six.

WILLIAM-HENRY DRAYTON.

N O T E

## N O T E    X I.    P A G E    68.

*A treaty entered into between the honourable William-Henry Drayton, esq. of the one part, in behalf of the congress of South-Carolina, and the favourers of royal government of the other.*

**W**HEREAS misunderstandings but too often precipitate men and friends into quarrels and bloodshed, which, but for such misunderstandings, never would have happened: and whereas the present unhappy disputes between Great-Britain and North-America, have unhappily occasioned uneasinesses between a part of the people living between Broad and Saludy rivers, and other adjacent parts, and the other inhabitants of the colony aforesaid, from misunderstandings as aforesaid, insomuch as the said part of the people as aforesaid, having tender consciences, declined to accede to the association, signed in Congress on the 4th of June last; and that the said other inhabitants, thereby thinking that the said declining to accede, proceeded from principles and designs in them the said part of the people, inimical to the proceedings and designs of the said other inhabitants; and that the said part of the people did mean to aid and assist, and join the British troops, if any should arrive in the colony aforesaid during the present unhappy disputes aforesaid: and whereas these are all misunderstandings, and it being the sincere wish  
and

and desire of all parts of the colony to live in peace and friendship with each ; wherefore, for the clearing up of the said misunderstandings, and for the manifestation of the wish and desire aforesaid, colonel Thomas Fletchall, captain John Ford, capt. Thomas Green, captain Evan M'Laurin, the reverend Philip Mulkey, Mr. Robert Merrick, and captain Benjamin Wofford, deputies for, and sent by the part of the people aforesaid, have repaired to the camp of the honourable William-Henry Drayton, esquire, acting under the authority of the council of safety for the colony : and for the purposes aforesaid it is hereby contracted, agreed and declared, by the honourable William-Henry Drayton, in pursuance of powers vested in him by the honourable the council of safety as aforesaid, on the one part ; and the deputies aforesaid, in pursuance of powers vested in them by the said part of the people, on the other part.

I. THAT the said declining of the part of the people aforesaid, to accede as aforesaid, did not proceed from any ill, or even unfriendly principle or design, in them the said part of the people, to or against the principles or designs of the congress of this colony, or authorities derived from that body ; but proceeded only from a desire to abide in their usual peace and tranquility.

II. THAT the said part of the people never did mean to aid, assist, or join the British troops as aforesaid :

aforesaid: and hereby it is declared, that if at any time during the present unhappy disputes between Great-Britain and North-America, any British troops shall or may arrive in this colony, the deputies aforesaid, for themselves and the part of the people aforesaid, by whom they the said deputies are authorized, and whom they do represent, declare, that if any British troops as aforesaid, shall arrive as aforesaid, they the said deputies, and the part of the people aforesaid, shall not, and will not give, yield, or afford, directly or indirectly, to or for the use, advantage, or comfort of the said British troops, or any part of them, any aid or assistance whatsoever; or hold with them the said troops, or any part of them, any communication or correspondence.

III. THAT if at any time during the unhappy disputes as aforesaid, any person or persons of the part of the people aforesaid, shall, by discourse or word, reflect upon, censure, or condemn; or by any conduct oppose the proceedings of the congress of this colony, or authorities derived from them; the said colony, the council of safety, or general committee, as the case may be, shall, without being deemed to give any umbrage to the part of the people aforesaid, send to any of the deputies aforesaid, to make requisition, that any and every such person or persons as aforesaid, offending in any of the premises aforesaid, against the proceedings of the congress, or authorities

thorities aforefaid, may and fhall be delivered up to the authority of the congreſs, or the tribunals under that authority, to be queſtioned and tried, and proceeded againſt according to the mode of proceeding by authority of Congreſs: and if ſuch perſon or perſons as aforefaid, be not delivered up as aforefaid, within fourteen days after requiſition as aforefaid, then, in ſuch caſe, the congreſs, or council of ſafety, or general committee, may and fhall be at liberty to uſe every means, to apprehend any, and every ſuch perſon or perſons as laſt aforefaid, and queſtion, try, and proceed againſt as aforefaid, every ſuch perſon or perſons as aforefaid.

IV. THAT if any perſon or perſons, who has or have ſigned, or ſhall ſign the aſſociation aforeſaid, ſhall, without authority of congreſs, moleſt any perſon or perſons of the part of the people aforeſaid, in ſuch caſe, application ſhall be made to the ſaid congreſs, or council of ſafety, or general committee, in order that ſuch perſon or perſons as laſt aforeſaid, be puniſhed for, and reſtrained from, moleſting as aforeſaid.

AND it is hereby declared, that all and every perſon of the part of the people as aforeſaid, not offending in or againſt any of the premiſes aforeſaid, ſhall and may continue to dwell and remain at home as uſual, ſafe in their lives, perſons and properties, ſuch being nothing more than what has been, and is the aim, intention, and inclination



tion of the congress of this colony, and the authorities under that body. All persons who shall not consider themselves as bound by this treaty, must abide.

Done at the camp, near Ninety-Six, this 16th day of September, 1775.

Signed,

	William-Henry Drayton,
Witness,	Thomas Fletchal,
	John Ford,
William Thomson,	Thomas Green,
Ely Kershaw,	Evan M'Laurin,
Francis Salvador.	Benjamin Wofford.

N O T E XII. PAGE 82.

*An abstract of the principal clauses of an act of parliament of Great-Britain, passed in December 1775, entitled, ' An act to prohibit all trade ' and intercourse with the colonies of New-Hampshire, Massachusetts-Bay, Rhode-Island, ' Connecticut, New-York, New-Jersey, Pennsylvania, the Three Lower Counties on Delaware, ' Maryland, Virginia, North-Carolina, South-Carolina and Georgia, during the continuance ' of the present rebellion within the said colonies ' respectively,' &c.*

**W**HEREAS many persons in the colonies of New-Hampshire, Massachusetts-Bay, Rhode-Island, Connecticut, New-York, New-Jersey,

sey, Pennsylvania, the Three Lower Counties on Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia, have set themselves in open rebellion and defiance to the just and legal authority of the King and parliament of Great-Britain, to which they ever have been, and of right ought to be, subjects ; and have assembled together an armed force, engaged his majesty's troops, and attacked his forts—have usurped the power of government, and prohibited all trade and commerce with this kingdom and the other parts of his majesty's dominions : for the more speedily and effectually suppressing such wicked and daring designs, and for preventing any aid, supply or assistance, being sent thither during the continuance of the said rebellious and treasonable commotions, Be it therefore declared and enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, that all manner of trade and commerce, is and shall be prohibited with the colonies of New-Hampshire, Massachusetts-Bay, Rhode-Island, Connecticut, New-York, New-Jersey, Pennsylvania, the Three Lower Counties on Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia : and that all ships and vessels of or belonging to the inhabitants of the said colonies, together with their cargoes, apparel and furniture, and all other ships and vessels whatsoever, together with their cargoes, apparel and

furniture, which shall be found trading in any port or place of the said colonies, or going to trade, or coming from trading, in any such port or place, shall become forfeited to his majesty, as if the same were the ships and effects of open enemies, and shall be so adjudged, deemed, and taken in all courts of admiralty, and in all other courts whatsoever.

PROVIDED always, and it is hereby further enacted and declared by the authority aforesaid, that nothing in this act shall extend, or be construed to extend, to such ships and vessels as shall be actually retained or employed in his majesty's service, or to such ships and vessels as shall be laden with provisions for the use of his majesty's forces, armies or garrisons, or for the use of the inhabitants of any town or place garrisoned or possessed by any of his majesty's troops, provided the master of such ships and vessels respectively shall produce a license in writing, under the hand and seal of the lord high admiral of Great-Britain, for the time being, or of three or more commissioners for the time being, for executing the office of lord high admiral of Great-Britain, or the commanders of his majesty's fleets or armies, or of the governor, lieutenant-governor, or commander in chief of any of his majesty's colonies or provinces not herein before mentioned, specifying the voyage in which such ship or vessel shall be employed, and expressing the time for which such license shall subsist and be in force ;  
and

and also expressing the quantity and species of the said stores and provisions on board: and if any goods, wares or merchandize, other than stores and provisions for his majesty's use, or provisions for the use of the inhabitants of any town or place garrisoned and possessed by his majesty's troops, shall be found on board such ships or vessels, (the necessary stores for the ship's use, and the baggage of the passengers only excepted) in any or either of those cases, the goods, wares and merchandizes, shall be forfeited, and shall and may be seized and prosecuted in the manner herein after directed.

AND, for the encouragement of the officers and seamen of his majesty's ships of war, be it further enacted, that the flag-officers, captains, commanders, and other commissioned officers in his majesty's pay; and also the seamen, mariners, and soldiers on board, shall have the sole interest and property of, and in all and every such ship, vessel, goods and merchandize, which they shall seize or take, (being first adjudged lawful prizes in any of his majesty's courts of admiralty) to be divided in such proportions, and after such manner, as his majesty shall think fit to order and direct by proclamation or proclamations hereafter to be issued for those purposes.

AND be it further enacted by the authority aforesaid, that it shall and may be lawful to and for the said flag-officers, captains and commanders

ers respectively, to cause to be taken, or put on board any of his majesty's ships or vessels of war, or on board any other ships or vessels, all and every the masters, crews and other persons, who shall be found on board such ship and ships as shall be seized and taken as prizes as aforesaid, as also to enter the names of such of the said mariners and crews, upon the book or books of his majesty's said ships or vessels, as they the said flag-officers, captains and commanders, shall respectively think fit; from the time and times of which said entries respectively, the said mariners and crews shall be considered, and they are hereby declared to belong to, and to be as such in the service of his majesty, to all intents and purposes, as if the said mariners and crews had entered themselves voluntarily to serve on board his majesty's said ships and vessels respectively: and also that it shall and may be lawful to and for the said flag-officers, captains and commanders respectively, to detain or cause to be detained and kept, the masters and other persons; and also such other of the mariners and crews of the said prize ships as shall not be entered upon the books of his majesty's ships or vessels of war as aforesaid, in and on board any ship or ships, vessel or vessels whatsoever, until the arrival of such last-mentioned ships or vessels in some port of Great-Britain or Ireland, or in any port of America not in rebellion; and upon the arrival of those ships or vessels in any such port, the commanders thereof are hereby respectively authorized



rized and required immediately to set the said last-mentioned mariners and crews, and also the said masters and other persons at liberty on shore there.

PROVIDED always, and it is hereby further enacted by the authority aforesaid, that nothing herein contained shall extend, or be construed to extend, to any ship or vessel the property of any person or persons residing in the said colonies of New-Hampshire, Massachusetts-Bay, Connecticut, New-York, New-Jersey, Pennsylvania, the Three Lower Counties on Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia, or any or either of them, which shall have sailed for Great-Britain or Ireland from any British sugar-colony or plantation in the West-Indies, on or before the first day of March 1776, laden with any goods or commodities which before the passing of this act might be so lawfully transported and carried in such ship or vessel, nor to any ship or vessel the property of any person or persons residing in the said colonies of New-Hampshire, Massachusetts-Bay, Rhode-Island, Connecticut, New-York, New-Jersey, Pennsylvania, the Three Lower Counties on Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia, or any or either of them, which, on or before the first day of January 1776, shall have arrived at any of the British sugar-colonies or plantations in the West-Indies, laden with lumber and provisions, or either of them; and after  
discharging

discharging the same at such sugar-colony or plantation shall, on or before the first day of August 1776, lade and take on board there, in order to be transported from thence into Great-Britain or Ireland, any goods or commodities which may be lawfully transported from such sugar-colony or plantation into Great-Britain or Ireland respectively, in any other British vessel, upon condition that the master or person having the charge of such ship or vessel which shall have so arrived on or before the said first day of January 1776, and shall have been loaded on or before the said first day of August 1776, shall produce a certificate under the hand and seal of office of the collector and comptroller, or other principal officer of his majesty's customs for the port or place where such goods shall be laden, certifying that such ship or vessel did arrive at such sugar-colony or plantation on or before the first day of January 1776, laden with lumber and provisions, or either of them, as the case may be; and that after having discharged the same in such sugar-colony or plantation, she had taken on board the several goods therein laden for Great-Britain or Ireland respectively, describing the name and burden of the ship, with the name of the master and the contents of the cargo, with the particular marks and numbers of the packages of each sort and species of goods so laden, the port or place where, and the time when laden, and the port in Great-Britain or Ireland to which the goods are consigned; and that

that bond and security hath been given for the due landing thereof according to law, which certificate such collector and comptroller, or other principal officer of the customs, are hereby required and enjoined to give without fee or reward.

PROVIDED always, and be it further enacted by the authority aforesaid, that nothing in this act shall extend, or be construed to extend, to any ship or vessel, or the cargo thereof, which shall have been or may be cleared out from any port in Great-Britain or Ireland, before the first day of January 1776, and shall be bound to any of the British sugar-colonies in the West-Indies, or which hath been, or may be so cleared out from the said British sugar-colonies, and shall be bound to Great-Britain or Ireland, in case it shall appear by the register of such ship or vessel that two-thirds at least of the owners of such ship or vessel are his majesty's subjects, residing in Great-Britain or Ireland, or in some of the said British sugar-colonies, nor to any ship or vessel, or the cargo thereof, which shall be cleared out from any port in Great-Britain or Ireland, after the twentieth day of January 1776, and shall be bound to any of the British sugar-colonies, or which shall be cleared out after the twenty-fifth day of March 1776, from the said British sugar-colonies, and shall be bound to Great-Britain or Ireland in case it shall appear by the oath or affirmation of one or more of the owners of such ship

ship or vessel, to be endorsed on the register thereof, to be taken before the collector or other principal officer of the customs at the port or place where such ship or vessel shall be cleared out, (which oath or affirmation such collector or other principal officer of the customs is hereby authorized and required to administer) that two-thirds at least of such ship or vessel are the property of his majesty's subjects residing in Great-Britain or Ireland, or in some of the said sugar-colonies or plantations.

AND whereas many and large debts are now due from the inhabitants of the North-American colonies herein before mentioned, to divers of his majesty's good and loyal subjects residing in Great-Britain, Ireland, and the British plantations in the West-Indies—and many of such good and loyal subjects may have estates and effects in some of the said North-American colonies: and whereas goods and merchandize have been or may be shipped or laden in the said colonies for and on account of such debts, estates or effects—and other goods and merchandize may be laden there and sent from thence in consequence of orders given for that purpose; Be it therefore enacted by the authority aforesaid, that nothing in this act shall extend, or be construed to extend, to any ship or vessel which shall have cleared out and sailed from any of the said colonies for Great-Britain, Ireland, or any of the British plantations in the West-Indies, on or before the first day of  
January

January 1776, nor shall extend, or be construed to extend, to forfeit any goods or merchandize or effects, which shall be laden or shipped on board any ship or vessel in any of the said North-American colonies on or before the twenty-fifth day of March 1776, as a remittance to any of his majesty's subjects residing in Great-Britain, Ireland, or the British colonies or plantations in the West-Indies, for or on account of any such estates, effects or debts, or in consequence of any order given for that purpose before the twenty-first day of December 1775, provided that proof thereof shall be made on oath of the parties to whom such goods, merchandize or effects, shall be consigned, or otherwise to the satisfaction of the judge or court before whom any seizure of such goods, merchandize or effects, shall be depending, any thing herein contained to the contrary notwithstanding.

PROVIDED always, and it is hereby further enacted by the authority aforesaid, that nothing herein contained shall extend, or be construed to extend, to any ship or vessel the property of any person or persons residing in the said colonies of New-Hampshire, Massachusetts-Bay, Rhode-Island, Connecticut, New-York, New-Jersey, Pennsylvania, the Three Lower Counties on Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia, which, on or before the first day of January 1776, shall have sailed from any port or place in Europe where

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such



such ship or vessel might lawfully trade, or which, on or before the first day of January 1776, shall be actually laden in any such port or place for Great-Britain or Ireland, with such goods and merchandize as such ship or vessel might lawfully so transport; nor to any ship or vessel as shall, on the said first day of January 1776, remain in any port of Great-Britain or Ireland, any thing herein contained to the contrary thereof in anywise notwithstanding.

PROVIDED also, and it is hereby further enacted by the authority aforesaid, that nothing in this act contained shall extend, or be construed to extend, to any ship or vessel, being the property of any of the inhabitants of the island of Nantucket, employed in the whale fishery only, if it shall appear by the papers on board, that such ship or vessel was fitted and cleared from thence before the first day of December 1775, or if the master or other person having the charge of any such ship or vessel as aforesaid, shall produce a certificate under the hand and seal of the governor or commander in chief of the province of the Massachusetts-Bay, setting forth, that such ship or vessel (expressing her name and the name of her master, and describing her built and burden) is the whole and entire property of his majesty's subjects of the said island of Nantucket, and was the property of one or more of them on or before the twenty-fifth day of March 1775.

AND whereas, before the passing this act, and since the commencement of the said unnatural rebellion, divers persons, vessels, cargoes and other effects, may have been seized, detained, examined, searched, damaged or destroyed, for the publick service, in withstanding or suppressing the said rebellion, Be it further enacted by the authority aforesaid, that all such acts shall be deemed just and legal to all intents, constructions and purposes whatsoever; and if any action or suit shall be commenced or prosecuted against any person or persons for or by reason of any thing so done, or for or by reason of any thing done or acted in pursuance of this act, then, and in every such case such action or suit shall be commenced within six calendar months next after the fact committed, and not afterwards; and the defendant or defendants shall and may plead the general issue, and give this act and the special matter in evidence; and if the act shall appear to have been done for the service of the publick, or in pursuance of and by the authority of this act, or if any such action or suit shall be brought after the time herein before limited for bringing the same, then the jury shall find for the defendant or defendants; and, upon such finding, or if the plaintiff or plaintiffs shall be nonsuited, or discontinue his or their action after the defendant or defendants shall have appeared, or if any demurrer, judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall and may recover treble costs.

AND

AND be it further enacted by the authority aforesaid, that this act, as far as the same relates to the capture and forfeiture of ships and vessels belonging to the inhabitants of the above-mentioned colonies, shall, except in the cases herein before mentioned, commence and be in force from and after the first day of January 1776; and so far as the same relates to the capture and forfeiture of all other ships and vessels that shall be found going to trade in or at any of the said colonies, from and after the first day of February 1776; and so far as the same relates to the capture and forfeiture of all other ships and vessels that shall be found trading in or at any of the said colonies, or bound and trading from any port or place in the same, from and after the twenty-fifth day of March 1776, and shall continue to be in force so long as the said colonies respectively shall remain in a state of rebellion.

PROVIDED always nevertheless, and it is hereby enacted by the authority aforesaid, that, in order to encourage all well-affected persons in any of the said colonies to exert themselves in suppressing the rebellion therein, and to afford a speedy protection to those who are disposed to return to their duty, it shall and may be lawful to and for any person or persons appointed and authorized by his majesty to grant a pardon or pardons to any number or description of persons, by proclamation, in his majesty's name, to declare any colony or province to be at the peace  
of

of his majesty ; and, from and after the issuing of any such proclamation in any of the aforesaid colonies or provinces, or if his majesty shall be graciously pleased to signify the same by his royal proclamation, then, from and after the issuing of such proclamation this act, with respect to such colony or province, colonies or provinces, county, town, port, district or place, shall cease, determine, and be utterly void ; and if any capture shall be made after the date and issuing of such proclamation of any ships or vessels and their cargoes, belonging to the inhabitants of any such colony or province, colonies or provinces respectively, the same shall be restored to the owners of such ships or vessels, upon claim being entered, and due proof made, of their property therein, and the captors shall not be liable to any action for seizing or detaining the said ships or vessels, or their cargoes, without proof being made that they had actual notice of such proclamation having been issued.

PROVIDED always, that such proclamation or proclamations shall not discharge or suspend any proceedings upon any capture of any such ship or vessel made before the date and issuing thereof.

N O T E

## N O T E XIII. PAGE 127.

South-Carolina, Charleston district.

*At a court of general sessions of the peace, oyer and terminer, assize of general gaol delivery, begun to be holden in and for the district of Charleston, at Charleston in the colony aforesaid, on Tuesday the 23d day of April, in the year of our Lord 1776,*

*The presentments of the grand-jury for the said district.*

I. **F**ULLY sensible and thoroughly convinced, that to live in a society without laws or a proper execution of them, to restrain the licentious nature of mankind, is the greatest misery that can befall a people, and must render any body of men in such a situation, but little superior to a herd of brutes ; and being no less sensible that it was the scheme of a corrupt nefarious administration in Great-Britain to reduce the good people of this colony to that wretched situation, from a want of officers to execute the laws, those whom they had appointed having refused to act in their respective stations, that through the evil effects of anarchy and confusion, the people might become an easy prey to the cruel designs of their insidious enemies ; while we lament the necessity which has obliged the people to resume into their hands, those powers of government which were originally derived from themselves for the protection



tection of those rights which God alone has given them, as essential to their happiness; we cannot but express our most unfeigned joy in the happy constitution of government now established in this colony, which promises every blessing to its inhabitants which a people endued with virtue, and a just regard to the rights of mankind, could desire. With gratitude to the Divine Ruler of human events, and with the most pleasing expectation of happiness from a constitution so wise in its nature, and virtuous in its ends, being founded on the strictest principles of justice and humanity, and consistent with every privilege incident to the dignity of a rational being; we cannot but declare we think every opposition to its operations, or disregard to its authority, the foulest criminality a mortal can be guilty of, highly offensive to the eyes of God and of all just men, and deserving the most exemplary punishment.

WE cannot but deplore the unhappy situation of any few amongst all the people of this colony, who, through an ignorance of their true interests and just rights, and from a want of proper information of the real truth, may be misled by the artifice and cunning of their false and designing enemies, from a real sense of those benefits which our present constitution has so amply provided for: benefits which are not confined or limited to any ranks or degrees of men in particular, but generally, equally and indiscriminately extending to all, from the richest to the poorest, and which  
time

time and a little patient experience must soon evince.

EVERY good citizen must be happy in the consideration of the choice of those officers, appointed in the administration of our present government ; as well in the impartial mode of an appointment arising from the people themselves, and the limited duration of their power, as in their personal characters as men, justly beloved and revered by their country, and whose merits and virtues entitle them to every pre-eminence.

FILLED with these sentiments, arising from mature deliberation, and the most impartial enquiry, we must further declare, that blessings such as these we have before enumerated, are too inestimable to be lost ; and that nothing in nature can repay the least violation of them ; and although an accommodation with the power which attempts to destroy them, may be highly worthy of attention, and upon principles truly honourable, of obtaining ; yet we think it a sacred duty incumbent on every citizen, to maintain and defend with his life and fortune, what is given and entrusted to him by the Hand of Providence, not for his own good only, but for the lasting happiness of posterity ; a trust, which no law can ever annul, which is the grand principle of existence, and the source of every social virtue.

II. WE present as a grievance intolerable to  
the

the spirit of the people, born and nurtured in the arms of freedom, and, though ever submissive to the just mandates of legal authority, holding every oppression as detestable; the unjust, cruel, and diabolical acts of the British parliament, not only declaring the good people of the United Colonies of North-America rebels, for defending those invaluable rights, which no human power can lawfully divest them of, but making all murders, rapines, thefts, robberies, and other inhuman oppressions, done before the passing of those acts, without authority, and which were after passing the said acts to be done by the British forces in these colonies, legal and warrantable, to the eternal disgrace and indelible infamy of a kingdom once renowned for her justice, honour and humanity, but now meanly descending to that wanton profligacy which even savages abhor.

Jonathan Scott, foreman,  
George Cooke,  
Thomas Jones,  
John Lightwood,  
Peter Leger,  
Philip Mayer,  
Isaac Mazyck,

John Owen,  
John Smyth,  
Joseph Jenkins,  
Joseph Cox,  
Daniel Lessesne,  
Lewis Dutarque,  
John Singeltary.

## NOTE

## N O T E    XIV.    PAGE 142.

*By major-general Clinton, commander of his majesty's forces in the southern provinces of North-America.*

## A   P R O C L A M A T I O N.

**W**HEREAS the most unprovoked and wicked rebellion has for some time past prevailed, and doth now exist, within his majesty's province of South-Carolina; and the inhabitants, forgetting their allegiance to their sovereign, and denying the authority of the laws and statutes of the realm, have, in a succession of crimes, proceeded to the total subversion of all lawful authority, usurping the powers of government, and erecting a tyranny in the hands of congresses and committees of various denominations, utterly unknown and repugnant to the spirit of the British constitution; and divers people, in avowed defiance to all legal authority, are now actually in arms, waging unnatural war against their King: and whereas all attempts to reclaim the infatuated and misguided multitude to a sense of their error, have unhappily proved ineffectual: I have it in command to proceed forthwith against all such men, or bodies of men in arms, and against all congresses and committees thus unlawfully established, as against open enemies to the state. But, considering it a duty inseparable from the principle of humanity, first of all to forewarn the deluded

deluded people of the miseries ever attendant upon civil war, I do most earnestly entreat, and exhort them, as they tender their own happiness, and that of their posterity, to appease the vengeance of an injured and justly incensed nation, by a return to their duty to our common sovereign, and to the blessings of a free government, as established by law ; hereby offering, in his majesty's name, free pardon to all such as shall lay down their arms, and submit to the laws. And I do hereby require, that the provincial congress and all committees of safety, and other unlawful associations, be dissolved, and the judges allowed to hold their courts according to the laws and constitution of this province ; of which all persons are required to take notice, as they will answer the contrary at their utmost peril.

Given on board the Sovereign transport, the  
6th day of June, 1776, and in the 16th year  
of his majesty's reign.

H. CLINTON.

By command of general Clinton,  
Richard Reave, secretary.

To the magistrates of the province of  
South-Carolina, to be by them made  
publick.

N O T E



## N O T E XV. PAGE 145.

## I N C O N G R E S S.

Philadelphia, July 20th, 1776.

**R**ESOLVED, that the thanks of the United States of America be given to major-general Lee, colonel William Moultrie, colonel William Thompson, and the officers and foldiers under their commands, who, on the 28th of June last, repulsed, with so much valour, the attack which was that day made on the state of South-Carolina, by the fleet and army of his Britannic majesty.

THAT mr. president transmit the foregoing resolution to general Lee, colonel Moultrie and colonel Thompson.

By order of the Congress,

JOHN HANCOCK, president.

## N O T E XVI. PAGE 147.

*A return of the number of privates, and of the names of the officers, in the second regiment of South-Carolina, who were in the fort on Sullivan's island, and fought the British fleet on the 28th of June 1776.*

**O**NE colonel, one lieutenant-colonel, one major, ten captains, seven first lieutenants, nine second lieutenants, one adjutant, twenty-four

four sergeants, fourteen drums and fifes, and three hundred and fix privates.

### NAMES of the OFFICERS.

William Moultrie, colonel,  
Isaac Motte, lieutenant-colonel,  
Francis Marion, major.

### C A P T A I N S.

Peter Horry,  
Nicholas Eveleigh,  
James M'Donald,  
Isaac Harleston,  
Charles Motte,  
Francis Huger,  
Richard Ashby,  
Richard Shubrick,  
William Oliphant,  
John Blake.

### L I E U T E N A N T S.

William Charnock,  
Thomas Lessesne,  
Thomas Moultrie,  
Daniel Maryck,  
Jacob Shubrick,  
Thomas Dunbar,  
William Moultrie, junior,

Thomas

Thomas Hall,  
 Henry Gray,  
 Isaac Dubose,  
 Richard-Bohun Baker,  
 Adrian Provaufe,  
 Richard Mafon,  
 Peter Gray,  
 Bafil Jackson,  
 ——— Marion,  
 Andrew Delient, adjutant.

N O T E    XVII.    PAGE 155.

*Intercepted letters, relative to a plan of co-operation by the British Indians and tories against the friends of Congress in the western parts of the southern states.*

GENTLEMEN,

SOME time ago mr. Cameron and myself wrote you a letter by mr. Thomas, and enclosed you a talk we had with the Indians respecting the purchase which is reported you lately made of them, on the river Wattaga Neluchudkey, &c. we are since informed that you are under great apprehensions of the Indians doing mischief immediately; but it is not the desire of his majesty to set his friends and allies the Indians on his liege subjects, therefore whoever you are, that are willing to join his majesty's forces, as soon as they arrive at the Cherokee nation, by repairing  
 to

to the King's standard, shall find protection, and their families, and be free from all danger whatever; yet, that his majesty's officers may be certain which of you are willing to take up arms in his majesty's just right, I have thought fit to recommend it to you, and every one that is desirous of preventing inevitable ruin to themselves and families, immediately to subscribe a written paper, acknowledging their allegiance to his majesty King George, and that they are ready and willing, whenever called on, to appear in arms in defence of the British right in America; which paper, as soon as it is signed, and sent to me by a safe hand, should any of the inhabitants be desirous of knowing how they are to be free from every kind of insult or danger, inform them that his majesty will immediately land an army in the West-Flordia, march them through the Creek to the Chickasaw nation, where five hundred warriors from each nation are to join them, and then come by Chote, who have promised their assistance, and then to take possession of the frontiers of North-Carolina and Virginia, at the same time that his majesty's forces make a diversion on the sea coast of those provinces. If any of the inhabitants have any beef, cattle, flour, pork, or horses to spare, they shall have a good price for them, for applying to us as soon as his majesty's troops are embodied.

I am,

Your's, &c.

(Signed)

HENRY STUART.

## WATTAGA.

THIS day Nathan Read came before one of the justices of Wattaga, and made oath on the Holy Evangelists of Almighty GOD, that a stranger came up to Charles Robinson's gate yesterday evening, who he was he did not know, and delivered a letter, a true copy of which is above.

JOHN CARTER.

Sworn before me the 19th of May, 1776.

Attest,

JAMES SMITH.

*Extract of a letter to general Gage, from lord William Campbell, late governor of South-Carolina.*

Tamar, in Rebellion-Road, September 20, 1775.

SIR,

I DID myself the honour to write to your excellency by the only two opportunities that offered since my arrival in this province, Captain Tollemache and Mr. Logie, and was in hopes his majesty's service to the northward would have permitted some little attention to have been paid to the southern provinces. I have now only to acquaint your excellency, that this province has for some time been in a state of open rebellion, and after undergoing many mortifications and insults, I was at last obliged a few days ago to take refuge on board the Tamar, and leave the  
officers



officers of the crown disarmed and confined to Charleston; the bearer of this, mr. Kirkland, was a lieutenant of militia in the back parts of this country; I know him to be a man who has great influence there, and by his attachment to government he has, I fear, sacrificed his all; he has acquainted me with the particulars of the plan he means to communicate to your excellency, and I am convinced, if the execution is not delayed too long, he may be made very useful in this and the neighbouring provinces, Georgia and North-Carolina. I have the honour to be, with great regard,

Sir,

Your excellency's most obedient,

and most humble servant,

W. CAMPBELL.

*Extract of a letter to general Grant.*

St. Augustine, October 4, 1775.

I HAVE the pleasure of your's by the St. Lawrence; by sending her you have done your old government essential service; we wanted such a vessel very much: she appeared off one day, and came over the bar the next with ease, and without a rub, and without unloading her guns or provisions; our bar is better than ever I knew it. By our steady attachment to our mother-country, we are become an eye-sore to our sister-colonies, particularly to our foolish young sister Georgia

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and Carolina ; they threatened, and have done every thing in their power to starve us, which is not in their power to effect ; their threats were of service, and alarmed the people here at first, but I told them I was glad of it ;—that it was a shame to trust our existence to others, and give them our money for what we could make as easily as they could, which they now found to be true ; almost every planter has made his provisions, many a great deal to spare : I have above eight hundred bushels of corn to spare of the Belle Vista crop, a fine crop of rice at the Musquito, already reaped and in the barn-yard ; a second cutting of the same rice almost ripe.

I AM surprised to find you and the army in the state you have been in ; I flatter myself you will move to advantage soon. The southern people are madder than the northern, though I believe not such great rogues ; they have got to the highest pitch of raving madness ; you will have heard of one hundred and ten barrels of our powder taken out of Loftus, off our bar, by a vessel fitted out of Carolina, with an order from the president of the committee of safety to proceed on that business. Our neighbours talk of visiting us to take our ordnance stores, but this I look upon as mere vapour, and that they will not feel bold enough ; if they do, we will do our best to dress them ;—I hope the general will not take any more of the troops from us ; I think he has already weakened us too much ; consider the fort and its contents ;  
consider

consider what our neighbours are willing to do ; consider also that this is the best, and only immediate communication between Great-Britain and our red \* brothers. The best friends of Great-Britain are in the back parts of the Carolinas and Georgia ; if the Indians were put in motion they would suffer, and not the rebels ; but this will be delivered to you by one colonel Moses Kirkland, who comes express to general Gage ; to him I refer you—what he tells you you may depend on ; I think he may be made a powerful instrument in the hands of government, should any thing be done this way, which I think ought immediately to be undertaken ; he knows every inch of Carolina, every road and by-road, every creek and swamp, every person, and has a most extensive influence ; is resolute, active and enterprising, and I think ought to receive the earliest encouragement : he has not had a liberal education, but possesses clear, strong, and manly sense ; and I think he is entirely to be depended on. I have had Mulcaster with me, he will send you some papers ; some others shall be done on a larger scale ; Kirkland can give you good intelligence :—Wallace, † who acts with so much spirit and honour, can also furnish you with rich materials on that head ; I remember he was very busy when there in sounding and surveying. I  
lament,

\* Red Brothers, a nickname for Indians.

† A captain of a man of war. He was several years stationed in Carolina, and had infinite marks of friendship and civility shewn him.

lament, as you may imagine, the present state of affairs, and the situation of most of my friends, who have been worked powerfully on, and have, to my great sorrow, taken a wrong turn. I need not say any thing further to you on the state of things in these parts of the world, as Kirkland will be better than a very long letter. I hope soon to see order drawn out of confusion, and restored, and that good men may escape; but that every rogue and vile fool, and that every wilful and violent opposer may meet with their full and just reward. My dear friend, adieu! I am, most affectionately and sincerely your's,

JOHN MOULTRIE.\*

*Extract of a letter from captain Frederick George Mulcaster, an engineer settled in Augustine, to general Grant.*

St. Augustine, Sept. 29, 1775.

THERE arrived here about four days ago colonel Kirkland, one of the back-country settlers in South-Carolina; he refused to sign the association, and was the occasion of many others doing so; William-Henry Drayton did his utmost endeavours

\* Mr. John Moultrie is a native of South-Carolina, and brother of colonel William Moultrie, who so gallantly defended the fort on Sullivan's island, and defeated the English squadron commanded by sir Peter Parker. He was prevailed upon by governor Grant to quit Carolina, and settle in East-Florida, of which province he was by the interest of mr. Grant made lieutenant governor.

deavours to gain him over to their party, but in vain ; they then offered a reward of two thousand pounds sterling to any one that would apprehend him ; he escaped at last from a party who was in pursuit of him, by getting between them and Charleston, and took that road, which they not in the least suspecting, he got safe, after a journey of two hundred miles, to lord William Campbell's house, and from thence, the next morning, on board the man of war ; he says the back settlers are two to one in number more than the rebel-party ; they got some powder, but when it came to be divided they had only two rounds a man ; he sails from hence in the transport to Virginia, in order to proceed to general Gage ; he has an honest open countenance, good natural understanding, and may be a man of infinite use, when troops are sent to Charleston, (which surely will not be long ;) even now a regiment to be sent up Savannah river, their back settlers would meet them, and the two provinces of Georgia and Carolina would be thrown into terror ; the committee here prevented salt and other articles, which they cannot be without, from being sent to them ; these circumstances inflame the back-settlers, who only want ammunition to do themselves justice. Kirkland has undoubtedly great weight with those people. Since he came away his plantation has been ransacked, five thousand weight of indigo destroyed, and his sixty negroes he knows not where ; he has with him a son about twelve or thirteen years old, who escaped by being dressed like



like a girl, for they used their utmost endeavours to get him, in hopes the seizing his child would bring him to terms ; you will undoubtedly see him, and he will give you a true state of the southern provinces ; the above particulars you may depend upon, and I write them that you may not be without intelligence in regard to a part of the world you have already served in with so much success. The Catawba Indians are with the rebel-party ; but they consist of a few, and as these back-settlers are seated round their nation, they intend to seize their women and children the moment they hear they attempt violence. John Stuart got some powder from Tonym, and sent it by an interpreter and an Indian to the Creek nation, but they were met by some Georgians on the north side of Mazon, who had got information from one Lane of this province, who seized the ammunition, and carried it to Savannah ; however, the interpreter and the Indian proceeded to the nation : John Stuart's deputy, Cameron, wrote him word some time since, if they did not get powder he could not answer for the Indians, as he believed they would certainly go down to Savannah to demand it ; so it is not unlikely they may have some of their red \* brethren upon their backs ; some of the gentlemen of Georgia still hold out, and have not signed the association ; but governor Wright has no authority, nor has not had any for some time. Lord Dartmouth has directed the land-office to be opened

\* Savage Indians.

opened for this province, in order to grant land to any persons who choose to take refuge here, and to be free of quit-rents for ten years.

*Copy of a letter from Mr. John Stuart to  
general Gage.*

St. Augustine, October 3, 1775.

SIR,

LAST night I had the honour of receiving your excellency's letter of September 12, and I shall pay the strictest attention to your commands contained in it. Nothing in my power shall be neglected to forward the interest of government, and your excellency's views.

SINCE writing my last letter by colonel Kirkland, I have received by the way of Savannah a copy of a Talk from the Cherokees to mr. Cameron, which I now enclose; it shews their disposition, which I shall by all means cultivate, \* for which purpose my brother is preparing to set off for the Creek, and afterwards for the Cherokee nation. It occurs to me, that it will no longer be good policy to foment the difference between the Choctaw and Creek Indians; for while they continue at war, it will be difficult, or even

\* The Talk contained an assurance from the Cherokees, that they were ready to attend Cameron, and massacre all the back settlers of Carolina and Georgia, without distinction of age or sex.

even impossible, to get the Creeks to act in his majesty's service, by which they must expose their women and children to the attacks of their enemies. I shall impatiently wait for your excellency's ideas upon this subject, which I humbly submit ; in the mean-time I shall send the necessary instructions throughout the district.

I SHALL immediately take steps to get some Indians here, which will be an acquisition to this place in its present weak state, and I have been for some time past using all possible means of supplying myself with necessaries for engaging the Indians firmly in his majesty's interest. I am apprehensive I shall find difficulty in getting a supply of provisions. I have the honour of being, with the utmost respect,

Sir,

Your excellency's most obedient,

and most humble servant,

JOHN STUART.

St. Augustine, 3 October, 1775.

SIR,

COLONEL Kirkland will acquaint your excellency that a great majority of the frontiers and back inhabitants of Carolina are attached to, and inclined to support government ; in such circumstances, I conceive, that an indiscriminate attack by Indians, would be contrary to your excellency's idea, and might do much harm—  
but

but I shall dispose them to join in executing any concerted plan, and to act with and assist their well-disposed neighbour—The Attachaway Indians are now here, and I now look with impatience for answers to my despatches to the different nations, which I have reason to expect every hour. I have the honour of being, most respectfully,

Sir,

Your excellency's most obedient,  
most humble servant,

JOHN STUART.

To general Gage.

THESE, and several other letters to the same effect, were found in possession of Moses Kirkland, who was taken prisoner by the Americans in his passage to Boston, in the year 1775, whether he was going express to general Gage, the commander in chief of the royal army.—For further particulars see Almon's Remembrancer for 1776, part 3d, pages 176—180.

N O T E

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## N O T E XVIII. PAGE 158.

*Copy of talks delivered to his excellency the president of South-Carolina, in council, February 3, 1777, by the Bird and the Mankiller, warriors of the Cherokee nation.*

## T H E B I R D.

I WAS ordered to come down here to this house. I am come down here, and I see you all here. I am come down the path—and I have swept it with a white cloth, and made it bright and clear—I come from the nation.

I AM now in my beloved brother's house. My nation sent me as a messenger. My nation have seen their folly, and I hope my beloved men of Charleston will take me by the hand. I am sent down with a good talk, and I hope you and the people will hear it.

A STRING of white BEADS.

WE have got a town called Tomawtly, and several brother-towns—they have sent this as a token, and hope now to rest in their beds and sleep.

A STRING of white BEADS.

THE beloved men of Noewee have sent this, and hope to hear a good talk back. They have been



been walking through the Long Grass, and want now to stay at home.

A STRING of white BEADS.

THE warriors of Cootels were gone out when I came away to go and hunt for meat.

A STRING of white BEADS.

THE town of Okoneyluffy sent this—they heard a good talk there from the beloved man who sent a woman with it.

A small STRING of white BEADS.

THE warrior of Cowee sent this by me the warrior of Noewee. The people of Cowee, he said, would come back and settle their houses in the spring, but that they were out now hunting.

A STRING of white BEADS.

A BELOVED woman in the valley sends you this. She says the Great Man above directs all things. Her eldest sister had children above, and she hopes they would have children raised up altogether. The Great Man above had sent fire down and spoiled the path, and hoped they would make the path clear again.

A STRING of white BEADS.

I AM come down to talk with my brothers, and I hope to talk good with them. I am but a young man, but I will talk good, and I hope to have

have good talks to carry back. The Great Man above put us all down upon the earth, but I don't know what is the matter that we quarrel. My father has come down with me—is with me now, and hears me talk. My father is with my eldest brothers, and is telling you what to do. My Father above has told you my eldest brothers to take care of your youngest brothers, the red people. When the white people came over here first, the Great Man above set them here by the river-side very fast. The red people were formerly very glad to see their eldest brothers, and their brothers were very glad to see them. There is a white cloth now in the path, and I hope we will all walk on it and dirty it no more. I hope we will all hold one another fast by the hand.

#### A STRING of white BEADS.

I TALK good. I am sent as a messenger, and I hope the children will grow up on both sides. I am come down to talk that the children may be raised up—that the children may grow up as the woods grow in the woods. I hope my oldest brothers will take care of my youngest brothers. I am not a rogue, nor will I give a roguish talk, but stand to what talk I give. I am sent as a messenger; they told me not to be tired, but come and give the talk they sent by me. The beloved town of Choti sent this. The prince of Choti says, when he hears a talk from his brothers, he will thank me for bringing this talk here.

I TOLD

I TOLD them to come and hear the talk, but they said they had been and given a talk in Virginia, and they now send this. That by that talk they had made the path straight and clear, and hoped they would have traders come in again.

A STRING of white BEADS.

## THE MANKILLER.

MY eldest brothers and the warriors are now met here to hear what I am going to say. Formerly my great father and the warrior made the path strong, but you have now broken it. The boys have thrown off their father, and I am now come into light, now I am come into this house. You have destroyed my houses, but it is not my eldest brothers fault, but my father's over the great water.

A STRING of white BEADS.

I MET the warrior, beloved man, in the Long Grass, and had good talks with him. I am not sent as a messenger as the others are—I come of my own accord along with the warrior colonel Williamfon.

A STRING of white BEADS.

A BELOVED woman on little Choti sent this. She says the young men are great rogues—her children are out in the woods, and she does not  
like

like it—she hopes you will make it up with them.

### A STRING of white BEADS.

My old friend mr. Williamson has been a great trader—but I was told you were all naked—but I have been about town and find a great deal of goods. I gave a great deal of land over Savannah river to pay my debts. I owed him, but I understand my father over the great water would not let him keep it. The warriors in the lower towns have taken away his goods, but they cannot take away his land that is his, given him by the whole nation.

### A STRING of white BEADS.

## N O T E    XIX.    PAGE 158.

*Articles of the definitive treaty of peace, concluded on, and signed at Dewit's Corner, the 20th day of May, 1777, between the states of South-Carolina and Georgia and the Cherokee Indians.*

ARTICLE I. **T**HE Cherokee nations acknowledge, that the troops, during last summer, repeatedly defeated their forces, victoriously penetrated through their lower towns, middle settlements and vallies, and quietly and unopposed built, held, and continue to occupy, the fort at Seneca, thereby did effect and maintain the conquest of all the Cherokee lands, eastward

ward of the Unacaye mountain ; and, to and for their people, did acquire, possess, and yet continue to hold, in and over the said lands, all and singular the rights incidental to conquest ; and the Cherokee nation, in consequence thereof, do cede the said lands to the said people, the people of South-Carolina.

ARTICLE II. South-Carolina will immediately send a supply of goods into the Cherokee nation and settlements for sale, and permit the Cherokees, during their good behaviour, to inhabit the middle settlements and vallies westward of the highest part of the Occonnee mountain ; but they shall not, beyond a line extended south-west and north-east across the highest part of the Occonnee mountain, proceed or advance, without permission from the commanding officer at fort Rutledge ; to apply for which, one runner may at any time be sent by the Cherokees : provided nevertheless, that, during this present year, the Cherokees may raise, gather and remove, the corn they have planted on the east side of the Occonnee mountain.

ARTICLE III. The government of South-Carolina will endeavour that the Cherokees be furnished with supplies of goods as usual ; and that the trade shall be put under the best regulations. Every person, who, without a proper pass or license, shall arrive in the Cherokee nation or settlements, the Cherokees shall immediately apprehend,



hend, and deliver to the commanding officer at fort Rutledge, and seize to their own use all the cattle, horses, goods and effects, conducted into their settlements by every such person.

ARTICLE IV. Every white person who instigated, or endeavoured to instigate, the Cherokees to the late war, or encouraged or aided them, or endeavoured to do so in the prosecution of it, and who now is, or hereafter may be, in their power, shall, without delay, by the Cherokees, be apprehended and delivered to the commanding officer at fort Rutledge; and the Cherokees shall take to their own use all the effects, which in their nation or settlements they may find in the possession of, or belonging to, every such white person, and for every such white person so delivered, shall be paid five hundred pounds weight of dressed leather, or the value thereof.

ARTICLE V. Any Indian who, in the Cherokee nation or settlements, shall murder a white person, shall be immediately apprehended and conveyed to fort Rutledge by the Cherokees, who, in presence of the commanding officer at that post, shall put the murderer to death; and if any white or other person belonging to South-Carolina or Georgia, shall, in the Cherokee nation, or any white or other person shall, in South-Carolina or Georgia, murder a Cherokee Indian, every such person, duly convicted thereof, shall

shall suffer death in presence of the Cherokee Indians, if any shall attend at the time and place of execution; and that they may have an opportunity of attending, due notice of the time and place of such intended execution shall be sent to the Cherokees.

ARTICLE VI. All white and Indian persons shall be set at liberty as soon as possible; all negroes taken during the late war, and who now are, or hereafter may be, in the power of the Cherokees, shall, as soon as possible, be delivered to the commanding officer at fort Rutledge, together with the horses, by any of their people, before the late war, stolen from South-Carolina, Georgia, North-Carolina, or Virginia, and which now are, or hereafter may be, in the power of the Cherokees, to the end that restitution may be made to their true owners.

ARTICLE VII. For every runaway negro that shall be apprehended and delivered by the Cherokees to the commanding officer at fort Rutledge, shall be paid one hundred pounds weight of leather, or the value thereof.

ARTICLE VIII. The hatchet shall be forever buried, and there shall be an universal peace and friendship re-established between South-Carolina, including the Catawba and Georgia on the one part, and the Cherokee nation on the other; there shall be a general oblivion of injuries; the

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contracting-

contracting-parties shall use their utmost endeavours to maintain the peace and friendship now re-established, and the Cherokees shall, at all times, apprehend and deliver to the commanding officer at fort Rutledge, every person, white or red, who, in their nation or settlements, shall by any means endeavour to instigate a war by the Cherokee nation, or hostility, or robbery, by any of their people, against or upon any of the American states, or subjects thereof.

IN witness of all and every thing herein determined between South-Carolina, Georgia and the Cherokee nation, we, their underwritten commissioners and deputies, by virtue of our full powers, severally, and not one for the other, have signed this present definitive treaty, in their respective names, and have caused our seals to be hereunto affixed.

Done at Dewit's Corner, this twentieth day of May, in the year of our LORD one thousand seven hundred and seventy-seven.

N O T E

## N O T E XX. PAGE 163.

*The second petition of the Congress of the United Colonies of North-America to the King of Great-Britain, agreed to in Congress on the 8th of July 1775.*

Most gracious sovereign,

**W**E, your majesty's subjects of the colonies of New-Hampshire, Massachusetts-Bay, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, the counties of New-Castle, Kent and Suffex on Delaware, Maryland, Virginia, North-Carolina and South-Carolina, in behalf of ourselves and the inhabitants of these colonies, who have deputed us to represent them in general Congress, entreat your majesty's gracious attention to this our humble petition.

THE union between our mother-country and these colonies, and the energy of mild and just government, produced benefits so remarkably important, and afforded such an assurance of their permanency and increase, that the wonder and envy of other nations were excited, while they beheld Great-Britain rising to a power the most extraordinary the world had ever known.

HER rivals, observing that there was no probability of this happy connection being broken  
by

by civil diffensions, and apprehending its future effects, if left any longer undisturbed, resolved to prevent her receiving such continual and formidable accessions of wealth and strength, by checking the growth of those settlements from which they were to be derived.

IN the prosecution of this attempt, events so unfavourable to the design took place, that every friend to the interest of Great-Britain and these colonies, entertained pleasing and reasonable expectations of seeing an additional force and exertion immediately given to the operations of the union hitherto experienced, by an enlargement of the dominions of the crown, and the removal of ancient and warlike enemies to a greater distance.

AT the conclusion, therefore, of the late war, the most glorious and advantageous that ever had been carried on by British arms, your loyal colonists having contributed to its success, by such repeated and strenuous exertions, as frequently procured them the distinguished approbation of your majesty, of the late King, and of parliament, doubted not but that they should be permitted, with the rest of the empire, to share in the blessings of peace, and the emoluments of victory and conquest.

WHILE these recent and honourable acknowledgments of their merits remained on record in  
the



the journals and acts of that august legislature, the parliament, undefaced by the imputation, or even the suspicion of any offence, they were alarmed by a new system of statutes and regulations adopted for the administration of the colonies, that filled their minds with the most painful fears and jealousies; and, to their inexpressible astonishment, perceived the danger of a foreign quarrel quickly succeeded by domestick danger, in their judgment of a more dreadful kind.

NOR were these anxieties alleviated by any tendency in this system to promote the welfare of their mother-country. For though its effects were more immediately felt by them, yet its influence appeared to be injurious to the commerce and prosperity of Great-Britain.

WE shall decline the ungrateful task of describing the irksome variety of artifices, practised by many of your majesty's ministers, the delusive pretences, fruitless terrors, and unavailing severities that have, from time to time, been dealt out by them, in their attempts to execute this impolitick plan, or of tracing, through a series of years past, the progress of the unhappy differences between Great-Britain and these colonies, that have flowed from this fatal source.

YOUR majesty's ministers, persevering in their measures, and proceeding to open hostilities for  
enforcing

enforcing them, have compelled us to arm in our own defence, and have engaged us in a controversy so peculiarly abhorrent to the affections of your still faithful colonists, that when we consider whom we must oppose in this contest, and, if it continues, what may be the consequences, our own particular misfortunes are accounted by us only as parts of our distress.

KNOWING to what violent resentments, and incurable animosities, civil discords are apt to exasperate and inflame the contending parties, we think ourselves required by indispensable obligations to Almighty God, to your majesty, to our fellow-subjects, and to ourselves, immediately to use all the means in our power, not incompatible with our safety, for stopping the further effusion of blood, and for averting the impending calamities that threaten the British empire.

THUS called upon to address your majesty on affairs of such moment to America, and probably to all your dominions, we are earnestly desirous of performing this office with the utmost deference for your majesty; and we therefore pray, that your majesty's royal magnanimity and benevolence may make the most favourable constructions of our expressions on so uncommon an occasion. Could we represent in their full force, the sentiments that agitate the minds of us your dutiful subjects, we are persuaded your  
 majesty

majesty would ascribe any seeming deviation from reverence in our language, and even in our conduct, not to any reprehensible intention, but to the impossibility of reconciling the usual appearances of respect with a just attention to our own preservation against those artful and cruel enemies, who abuse your royal confidence and authority, for the purpose of effecting our destruction.

ATTACHED to your majesty's person, family and government, with all devotion that principle and affection can inspire, connected with Great-Britain by the strongest ties that can unite societies, and deploring every event that tends in any degree to weaken them, we solemnly assure your majesty, that we not only most ardently desire the former harmony between her and these colonies may be restored; but that a concord may be established between them, upon so firm a basis as to perpetuate its blessings, uninterrupted by any future dissensions to succeeding generations in both countries, and to transmit your majesty's name to posterity, adorned with that signal and lasting glory, that has attended the memory of those illustrious personages, whose virtues and abilities have extricated states from dangerous convulsions, and, by securing happiness to others, have erected the most noble and durable monuments to their own fame.

WE beg leave further to assure your majesty,  
that

that notwithstanding the sufferings of your loyal colonists, during the course of this present controversy, our breasts retain too tender a regard for the kingdom from which we derive our origin, to request such a reconciliation as might in any manner be inconsistent with her dignity or her welfare. These, related as we are to her, honour and duty, as well as inclination, induce us to support and advance; and the apprehensions that now oppress our hearts with unspeakable grief, being once removed, your majesty will find your faithful subjects on this continent ready and willing at all times, as they have ever been, with their lives and fortunes, to assert and maintain the rights and interests of your majesty, and of our mother-country.

WE therefore beseech your majesty, that your royal authority and influence may be graciously interposed to procure us relief from our afflicting fears and jealousies, occasioned by the system before mentioned, and to settle peace through every part of your dominions, with all humility submitting to your majesty's wise consideration, whether it may not be expedient for facilitating those important purposes, that your majesty be pleased to direct some mode, by which the united applications of your faithful colonists to the throne, in pursuance of their common councils, may be improved into a happy and permanent reconciliation; and that, in the mean-time, measures may be taken for preventing the further  
destruction



destruction of the lives of your majesty's subjects ; and that such statutes as more immediately distress any of your majesty's colonies may be repealed.

FOR, by such arrangements as your majesty's wisdom can form for collecting the united sense of your American people, we are convinced your majesty would receive such satisfactory proofs of the disposition of the colonists towards their sovereign and parent-state, that the wished-for opportunity would soon be restored to them, of evincing the sincerity of their professions, by every testimony of devotion becoming the most dutiful subjects and the most affectionate colonists.

THAT your majesty may enjoy a long and prosperous reign, and that your descendants may govern your dominions with honour to themselves and happiness to their subjects, is our sincere prayer.

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## N O T E    XXI.    PAGE 163.

*The second address of the Congress of the United Colonies of North-America to the people of Great-Britain, agreed to in Congress the 8th day of July 1775.*

Friends, countrymen and brethren,

**B**Y these, and by every other appellation that may designate the ties which bind us to each other, we entreat your serious attention to this our second attempt to prevent their dissolution. Remembrance of former friendships, pride in the glorious achievements of our common ancestors, and affections for the heirs of their virtues, have hitherto preserved our mutual connection; but when that friendship is violated by the grossest injuries; when the pride of ancestry becomes our reproach, and we are no otherwise allied than as tyrants and slaves; when reduced to the melancholy alternative of renouncing your favour or our freedom; can we hesitate about the choice? Let the spirit of Britons determine.

IN a former address we asserted our rights, and stated the injuries we had then received. We hoped that the mention of our wrongs would have roused that honest indignation which has slept too long for your honour, or the welfare of the empire. But we have not been permitted to entertain

entertain this pleasing expectation. Every day brought an accumulation of injuries, and the invention of the ministry has been constantly exercised, in adding to the calamities of your American brethren.

AFTER the most valuable right of legislation was infringed; when the powers assumed by your parliament, in which we are not represented, and from our local and other circumstances cannot properly be represented, rendered our property precarious; after being denied that mode of trial, to which we have long been indebted for the safety of our persons, and the preservation of our liberties; after being in many instances divested of those laws, which were transmitted to us by our common ancestors, and subjected to an arbitrary code, compiled under the auspices of Roman tyrants; after those charters, which encouraged our predecessors to brave death and danger in every shape, on unknown seas, in deserts unexplored, amidst barbarous and inhospitable nations, were annulled; when without the form of trial, without a publick accusation, whole colonies were condemned, their trade destroyed, their inhabitants impoverished; when soldiers were encouraged to imbrue their hands in the blood of Americans, by offers of impunity; when new modes of trial were instituted for the ruin of the accused, where the charge carried with it the horrors of conviction; when a despotick government was established in a neighbouring

bouring province, and its limits extended to every of our frontiers; we little imagined that any thing could be added to this black catalogue of unprovoked injuries: but we have unhappily been deceived, and the late measures of the British ministry fully convince us, that their object is the reduction of these colonies to slavery and ruin.

To confirm this assertion, let us recall your attention to the affairs of America, since our last address. Let us combat the calumnies of our enemies; and let us warn you of the dangers that threaten you in our destruction. Many of your fellow-subjects, whose situation deprived them of other support, drew their maintenance from the sea; but the deprivation of our liberty being insufficient to satisfy the resentment of our enemies, the horrors of famine were superadded; and a British parliament, who, in better times, were the protectors of innocence and the patrons of humanity, have, without distinction of age or sex, robbed thousands of the food which they were accustomed to draw from that inexhaustible source, placed in their neighbourhood by the benevolent Creator.

ANOTHER act of your legislature shuts our ports, and prohibits our trade with any, but those states from whom the great law of self-preservation renders it absolutely necessary we should at present withhold our commerce. But this act,  
whatever

whatever may have been its design, we consider rather as injurious to your opulence than our interest. All our commerce terminates with you ; and the wealth we procure from other nations, is soon exchanged for your superfluities. Our remittances must then cease with our trade ; and our refinements with our affluence. We trust, however, that laws which deprive us of every blessing but a foil that teems with the necessaries of life, and that liberty which renders the enjoyment of them secure, will not relax our vigour in their defence.

WE might here observe on the cruelty and inconsistency of those, who, while they publicly brand us with reproachful and unworthy epithets, endeavour to deprive us of the means of defence, by their interposition with foreign powers, and to deliver us to the lawless ravages of a merciless soldiery. But happily we are not without resources ; and though the timid and humiliating applications of a British ministry should prevail with foreign nations, yet industry, prompted by necessity, will not leave us without the necessary supplies.

WE could wish to go no further, and, not to wound the ear of humanity, leave untold those rigorous acts of oppression, which are daily exercised in the town of Boston, did we not hope, that by disclaiming their deeds and punishing the perpetrators, you would shortly vindicate the  
honour



honour of the British name, and re-establish the violated laws of justice.

THAT once populous, flourishing, and commercial town, is now garrisoned by an army sent, not to protect, but to enslave its inhabitants. The civil government is overturned, and a military despotism erected upon its ruins. Without law, without right, powers are assumed unknown to the constitution. Private property is unjustly invaded. The inhabitants, daily subjected to the licentiousness of the soldiery, are forbid to remove, in defiance of their natural rights, in violation of the most solemn compacts. Or if, after long and wearisome solicitation, a pass is procured, their effects are detained, and even those who are most favoured, have no alternative but poverty or slavery. The distress of many thousand people, wantonly deprived of the necessaries of life, is a subject, on which we would not wish to enlarge.

YET we cannot but observe, that a British fleet, unjustified even by acts of your legislature, are daily employed in ruining our commerce, seizing our ships, and depriving whole communities of their daily-bread. Nor will a regard for your honour permit us to be silent, while British troops sully your glory, by actions, which the most inveterate enmity will not palliate among civilized nations, the wanton and unnecessary destruction of Charleston, a large, ancient,



cient, and once populous town, just before deserted by its inhabitants, who had fled to avoid the fury of your soldiery.

IF you still retain those sentiments of compassion, by which Britons have ever been distinguished; if the humanity, which tempered the valour of our common ancestors, has not degenerated into cruelty, you will lament the miseries of their descendants.

To what are we to attribute this treatment? If to any secret principle of the constitution, let it be mentioned; let us learn, that the government we have long revered, is not without its defects, and that while it gives freedom to a part, it necessarily enslaves the remainder of the empire. If such a principle exists, why, for ages, has it ceased to operate? Why, at this time, is it called into action? Can no reason be assigned for this conduct? Or must it be resolved into the wanton exercise of arbitrary power? And shall the descendants of Britons tamely submit to this? No, sirs! we never will, while we revere the memory of our gallant and virtuous ancestors, we never can surrender those glorious privileges, for which they fought, bled and conquered. Admit that your fleets could destroy our towns, and ravage our sea-coasts; these are inconsiderable objects; things of no moment to men, whose bosoms glow with the ardour of liberty. We can retire beyond the reach of your navy, and,  
without

without any sensible diminution of the necessaries of life, enjoy a luxury, which from that period you will want ; the luxury of being free.

WE know the force of your arms, and was it called forth in the cause of justice and your country, we might dread the exertion ; but will Britons fight under the banners of tyranny ? Will they counteract the labours, and disgrace the victories of their ancestors ? Will they forge chains for their posterity ? If they descend to this unworthy task, will their swords retain their edge, their arms their accustomed vigour ! Britons can never become the instruments of oppression, till they lose the spirit of freedom, by which, alone, they are invincible.

OUR enemies charge us with sedition. In what does it consist ? In our refusal to submit to unwarrantable acts of injustice and cruelty ? If so, shew us a period in your history, in which you have not been equally seditious.

WE are accused of aiming at independence ; but how is this accusation supported ? By the allegations of your ministers, not by our actions. Abused, insulted, and contemned, what steps have we pursued to obtain redress ? We have carried our dutiful petitions to the throne. We have applied to your justice for relief. We have retrenched our luxury, and withheld our trade.

THE advantages of our commerce were designed as a compensation for your protection: when you ceased to protect, for what were we to compensate?

WHAT has been the success of our endeavours? The clemency of our sovereign is unhappily diverted; our petitions are treated with indignity; our prayers answered by insults. Our application to you remains unnoticed, and leaves us the melancholy apprehension of your wanting either the will, or the power, to assist us.

EVEN under these circumstances, what measures have we taken that betray a desire of independence? Have we called in the aid of those foreign powers, who are the rivals of your grandeur? When your troops were few and defenceless, did we take advantage of their distress and expel them our towns? Or have we permitted them to fortify, to receive new aid, and to acquire additional strength?

LET not your enemies and ours persuade you, that in this we were influenced by fear or any other unworthy motive. The lives of Britons are still dear to us. They are the children of our parents, and an uninterrupted intercourse of mutual benefits had knit the bonds of friendship. When hostilities were commenced, when on a late occasion we were wantonly attacked by your troops, though we repelled their assaults and re-

turned their blows, yet we lamented the wounds they obliged us to give ; nor have we yet learned to rejoice at a victory over Englishmen.

As we wish not to colour our actions, or disguise our thoughts, we shall, in the simple language of truth, avow the measures we have pursued, the motives upon which we have acted, and our future designs.

WHEN our late petition to the throne produced no other effect than fresh injuries, and votes of your legislature calculated to justify every severity ; when your fleets and your armies were prepared to wrest from us our property, to rob us of our liberties or our lives ; when the hostile attempts of general Gage evinced his designs, we levied armies for our security and defence. When the powers vested in the governor of Canada, gave us reason to apprehend danger from that quarter, and we had frequent intimations, that a cruel and savage enemy was to be let loose upon the defenceless inhabitants of our frontiers, we took such measures as prudence dictated, as necessity will justify. We possessed ourselves of Crown-Point and Ticonderoga. Yet, give us leave most solemnly to assure you, that we have not yet lost sight of the object we have ever had in view, a reconciliation with you on constitutional principles, and a restoration of that friendly intercourse, which, to the advantage of both, we, till lately, maintained.



THE inhabitants of this country apply themselves chiefly to agriculture and commerce. As their fashions and manners are similar to yours, your markets must afford them the conveniencies and luxuries, for which they exchange the produce of their labours. The wealth of this extended continent centres with you ; and our trade is so regulated as to be subservient only to your interest. You are too reasonable to expect, that by taxes, in addition to this, we should contribute to your expence ; to believe, after diverting the fountain, that the streams can flow with unabated force.

IT has been said, that we refuse to submit to the restrictions on our commerce. From whence is this inference drawn ? Not from our words, we having repeatedly declared the contrary ; and we again profess our submission to the several acts of trade and navigation passed before the year 1763, trusting, nevertheless, in the equity and justice of parliament, that such of them as, upon cool and impartial consideration shall appear to have imposed unnecessary or grievous restrictions, will, at some happier period, be repealed or altered. And we cheerfully consent to the operation of such acts of the British parliament as shall be restrained to the regulation of our external commerce, for the purpose of securing the commercial advantages of the whole empire to the mother-country, and the commercial benefits of its respective members ; excluding every idea of  
taxation,



taxation, internal or external, for raising a revenue on the subjects in America without their consent.

It is alleged, that we contribute nothing to the common defence. To this we answer, that the advantages which Great-Britain receives from the monopoly of our trade, far exceed our proportion of the expence necessary for that purpose. But should these advantages be inadequate thereto, let the restrictions on our trade be removed, and we will cheerfully contribute such proportion when constitutionally required.

It is a fundamental principle of the British constitution, that every man should have at least a representative share in the formation of those laws by which he is bound. Were it otherwise, the regulation of our internal police by a British parliament, who are and ever will be unacquainted with our local circumstances, must be always inconvenient, and frequently oppressive, working our wrong, without yielding any possible advantage to you.

A PLAN of accommodation, as it has been absurdly called, has been proposed by your ministers to our respective assemblies. Were this proposal free from every other objection, but that which arises from the time of the offer, it would not be unexceptionable. Can men deliberate with the bayonet at their breast? Can they treat with freedom,

dom, while their towns are sacked ; when daily instances of injustice and oppression disturb the slower operations of reason ?

IF this proposal is really such as you would offer and we accept, why was it delayed till the nation was put to useless expence, and we were reduced to our present melancholy situation ? If it holds forth nothing, why was it proposed ? Unless, indeed, to deceive you into a belief, that we were unwilling to listen to any terms of accommodation ? But what is submitted to our consideration ? We contend for the disposal of our property. We are told that our demand is unreasonable, that our assemblies may indeed collect our money, but that they must, at the same time, offer, not what your exigencies or ours may require, but so much as shall be deemed sufficient to satisfy the desires of a minister, and enable him to provide for favourites and dependants. A recurrence to your own treasury will convince you how little of the money, already extorted from us, has been applied to the relief of your burdens. To suppose that we would thus grasp the shadow, and give up the substance, is adding insult to injuries.

WE have, nevertheless, again presented an humble and dutiful petition to our sovereign ; and, to remove every imputation of obstinacy, have requested his majesty to direct some mode, by which the united applications of his faithful colonists

colonists may be improved into a happy and permanent reconciliation. We are willing to treat on such terms as can alone render an accommodation lasting, and we flatter ourselves that our pacifick endeavours will be attended with a removal of ministerial troops, and a repeal of those laws of the operation of which we complain, on the one part, and a disbanding of our army, and a dissolution of our commercial associations, on the other.

YET conclude not from this that we propose to surrender our property into the hands of your ministry, or vest your parliament with a power which may terminate in our destruction. The great bulwarks of our constitution we have desired to maintain by every temperate, by every peaceable means; but your ministers, equal foes to British and American freedom, have added to their former oppressions an attempt to reduce us by the sword to a base and abject submission. On the sword, therefore, we are compelled to rely for protection. Should victory declare in your favour, yet men trained to arms from their infancy, and animated by the love of liberty, will afford neither a cheap or easy conquest. Of this, at least, we are assured, that our struggle will be glorious, our success certain; since even in death, we shall find that freedom which in life you forbid us to enjoy.

LET us now ask, what advantages are to attend  
our

our reduction? The trade of a ruined and desolate country is always inconsiderable, its revenue trifling; the expence of subjecting and retaining it in subjection certain and inevitable. What then remains but the gratification of an ill-judged pride, or the hope of rendering us subservient to designs on your liberty.

SOLDIERS who have sheathed their swords in the bowels of their American brethren, will not draw them with more reluctance against you. When too late, you may lament the loss of that freedom, which we exhort you, while still in your power, to preserve.

ON the other hand, should you prove unsuccessful; should that connection, which we most ardently wish to maintain, be dissolved; should your ministers exhaust your treasures, and waste the blood of your countrymen, in vain attempts on our liberty; do they not deliver you, weak and defenceless, to your natural enemies?

SINCE then your liberty must be the price of your victories; your ruin, of your defeat:—what blind fatality can urge you to a pursuit destructive of all that Britons hold dear?

IF you have no regard to the connection that has for ages subsisted between us; if you have forgot the wounds we have received, fighting by your side for the extension of the empire; if our  
commerce



commerce is not an object below your consideration ; if justice and humanity have lost their influence on your hearts ; still motives are not wanting to excite your indignation at the measures now pursued : your wealth, your honour, your liberty are at stake.

NOTWITHSTANDING the distress to which we are reduced, we sometimes forget our own afflictions, to anticipate and sympathize in yours. We grieve that rash and inconsiderate councils should precipitate the destruction of an empire, which has been the envy and admiration of ages, and call God to witness ! that we would part with our property, endanger our lives, and sacrifice every thing but liberty, to redeem you from ruin.

A CLOUD hangs over your heads and ours ; ere this reaches you, it may probably burst upon us ; let us then, before the remembrance of former kindness is obliterated, once more repeat those appellations which are ever grateful in our ears ; let us entreat Heaven to avert our ruin, and the destruction that threatens our friends, brethren, and countrymen, on the other side of the Atlantick.

N O T E



## N O T E XXII. PAGE 165.

## AMERICAN UNITED COLONIES.

In Congress, May 15, 1776.

**W**HEREAS his Britannick majesty, in conjunction with the lords and commons of Great-Britain, has, by a late act of parliament, excluded the inhabitants of these United Colonies from the protection of his crown: and whereas no answer whatever, to the humble petition of the colonies for redress of grievances and reconciliation with Great-Britain, has been, or is likely to be given; but the whole force of that kingdom, aided by foreign mercenaries, is to be exerted for the destruction of the good people of these colonies: and whereas it appears absolutely irreconcilable to reason and good conscience, for the people of these colonies to take the oaths and affirmations necessary for the support of any government under the crown of Great-Britain; and it is necessary that the exercise of every kind of authority under the said crown should be totally suppressed, and all the powers of government exerted under the authority of the people of these colonies for the preservation of internal peace, virtue and good order, as well as for the defence of ourselves; liberties and properties, against the hostile invasions and cruel depredations of our enemies:

THEREFORE resolved, that it be recommended to the respective assemblies and conventions of the United Colonies, where no government sufficient to the exigencies of their affairs has been hitherto established, to adopt such government as shall, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in particular, and America in general.

By order of the Congress,

JOHN HANCOCK, president.

N O T E XXIII. PAGE 178.

# TREATY OF ALLIANCE.

THE most christian King, and the United States of North-America, to wit, New-Hampshire, Massachusetts-Bay, Rhode-Island, Connecticut, New-York, New-Jersey, Pennsylvania; Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia, having this day concluded a treaty of amity and commerce, for the reciprocal advantage of their subjects and citizens, have thought it necessary to take into consideration the means of strengthening those engagements, and of rendering them useful to the safety and tranquility of the two parties; particularly in case Great-Britain, in resentment of that connection, and of the good correspond-  
ence

ence which is the object of the said treaty, should break the peace with France, either by direct hostilities, or by hindering her commerce and navigation in a manner contrary to the rights of nations, and the peace subsisting between the two crowns : and his majesty and the said United States having resolved in that case, to join their councils and efforts against the enterprizes of their common enemy :

THE respective plenipotentiaries empowered to concert the clauses and conditions proper to fulfil the said intentions, have, after the most mature deliberation, concluded and determined on the following articles :

ARTICLE I. If war should break out between France and Great-Britain, during the continuance of the present war between the United States and England, his majesty and the said United States shall make it a common cause, and aid each other mutually with their good offices, their counsels and their forces, according to the exigence of conjunctures, as becomes good and faithful allies.

ARTICLE II. The essential and direct end of the present defensive alliance is, to maintain effectually the liberty, sovereignty, and independence absolute and unlimited, of the said United States, as well in matters of government as of commerce.

ARTICLE

ARTICLE III. The two contracting parties shall, each on its own part, and in the manner it may judge most proper, make all the efforts in its power against their common enemy, in order to attain the end proposed.

ARTICLE IV. The contracting parties agree, that in case either of them should form any particular enterprize in which the concurrence of the other may be desired, the party whose concurrence is desired, shall readily, and with good faith, join to act in concert for that purpose, as far as circumstances and its own particular situation will permit, and in that case, they shall regulate by a particular convention, the quantity and kind of succour to be furnished, and the time and manner of its being brought into action, as well as the advantages which are to be its compensation.

ARTICLE V. If the United States should think fit to attempt the reduction of the British power, remaining in the northern parts of America, or the islands of Bermudas, those countries or islands, in case of success, shall be confederated with, or dependant upon, the said United States.

ARTICLE VI. The most christian King renounces for-ever the possession of the islands of Bermudas, as well as of any part of the continent of North-America, which before the treaty of Paris, in 1763, or in virtue of that treaty, were



were acknowledged to belong to the crown of Great-Britain, or to the United States, heretofore called British colonies, or which are at this time, or have lately been under the power of the King and crown of Great-Britain.

ARTICLE VII. If his most christian majesty shall think proper to attack any of the islands situated in the gulf of Mexico, or near that gulf, which are at present under the power of Great-Britain, all the said isles, in case of success, shall appertain to the crown of France.

ARTICLE VIII. Neither of the two parties shall conclude either truce or peace with Great-Britain, without the formal consent of the other first obtained; and they mutually engage not to lay down their arms, until the independence of the United States shall have been formally or tacitly assured, by the treaty or treaties that shall terminate the war.

ARTICLE IX. The contracting parties declare, that being resolved to fulfil each on its own part, the clauses and conditions of the present treaty of alliance, according to its own power and circumstances, there shall be no after-claim of compensation, on one side or the other, whatever may be the event of the war.

ARTICLE X. The most christian King and the United States agree to invite or admit other powers



powers who may have received injuries from England, to make common cause with them, and to accede to the present alliance, under such conditions as shall be freely agreed to, and settled between all the parties.

ARTICLE XI. The two parties guarantee mutually from the present time and for-ever, against all other powers, to wit, the United States to his most christian majesty the present possessions of the crown of France in America, as well as those which it may acquire by the future treaty of peace; and his most christian majesty guarantees on his part to the United States, their liberty, sovereignty and independence, absolute and unlimited, as well in matters of government as commerce, and also their possessions, and the additions or conquests, that their confederation may obtain during the war, from any of the dominions now, or heretofore possessed by Great-Britain in North-America; conformable to the fifth and sixth articles above-written, the whole as their possession shall be fixed and assured to the said states, at the moment of the cessation of their present war with England.

ARTICLE XII. In order to fix more precisely the sense and application of the preceding article, the contracting parties declare, that in case of a rupture between France and England, the reciprocal guarantee declared in the said article, shall have its full force and effect, the moment  
such

such war shall break out; and if such rupture shall not take place, the mutual obligations of the said guarantee shall not commence until the moment of the cessation of the present war, between the United States and England, shall have ascertained their possessions.

ARTICLE XIII. The present treaty shall be ratified on both sides, and the ratifications shall be exchanged in the space of six months, or sooner, if possible.

In faith whereof, the respective plenipotentiaries, to wit, on the part of the most christian King, CONRAD-ALEXANDER GERARD, royal syndick of the city of Strasbourg, and secretary of his majesty's council of state; and on the part of the United States, BENJAMIN FRANKLIN, deputy to the general Congress from the state of Pennsylvania, and president of the convention of said state; SILAS DEANE, heretofore deputy from the state of Connecticut; and ARTHUR LEE, counsellor at law, have signed the above articles both in the French and English languages; declaring, nevertheless, that the present treaty was originally composed and concluded in the French language, and they have hereunto affixed their seals.

Done

Done at Paris, this sixth day of February, one thousand seven hundred and seventy-eight.

(L. S.)

(L. S.)

(L. S.)

(L. S.)

C. A. GERARD,

B. FRANKLIN,

SILAS DEANE,

ARTHUR LEE.

# N O T E XXIV. PAGE 178.

ON the 6th of June the Congress received a letter of the 27th of May from lord Howe, and one of the 3d of June from general Clinton, accompanied with three acts of parliament: they were as follows:

Philadelphia, May 27, 1778.

S I R,

**H**AVING, by a packet just arrived from Great-Britain, received the King's commands to transmit to the Congress, and the commander in chief of their troops, the copies of two acts, passed this session of parliament, for quieting the disorders now subsisting in these colonies, and preparing the way for the return of peace, I embrace the earliest opportunity to forward the enclosed copies of those acts, and of one other act relating to the government of the province of Massachusetts-Bay, for the information of the Congress thereon; most sincerely hoping this communication will be productive of

of the desired good effects. I am, with due consideration,

Sir,

Your most obedient servant,

HOWE.

Henry Laurens, esq. president  
of the Congress.

Head-Quarters, Philadelphia, June 3, 1778.

SIR,

I AM directed to transmit to Congress, and the commander in chief of their troops, printed copies of three conciliatory acts of parliament: let me add my most sincere wishes, that they may produce the desirable effect which is hoped from them. I have the honour to be,

Sir,

Your most obedient, and  
most humble servant,

H. CLINTON.

Henry Laurens, esq. president  
of the Congress.

*An act for repealing an act, passed in the fourteenth year of his present majesty's reign, entitled, An act for the better regulating the government of the province of the Massachusetts-Bay, in New-England.*

WHEREAS the province of the Massachusetts-Bay had for many years been governed under a



charter, granted by their late majesties King William and Queen Mary: and whereas an act, passed in the fourteenth year of his present majesty's reign, entitled, ' An act for the better regulating the government of the province of the ' Massachusetts-Bay, in New-England,' has been found to create great uneasinesses in the minds of the inhabitants of the said province, and has occasioned jealousies and apprehensions of danger to their liberties and rights in several other of the colonies and plantations in North-America: for quieting and extinguishing such uneasinesses and apprehensions, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that, from and after the passing of this act, the said act, of the fourteenth year of the reign of his present majesty, be, and the same is hereby repealed.

*An act for removing all doubts and apprehensions concerning taxation by the parliament of Great-Britain in any of the colonies, provinces, and plantations in North-America, and the West-Indies; and for repealing so much of an act, made in the seventh year of the reign of his present majesty, as imposes a duty on tea imported from Great-Britain into any colony or plantation in America, or relates thereto.*

WHEREAS taxation by the parliament of Great-Britain, for the purpose of raising a revenue



venue in his majesty's colonies, provinces, and plantations in North-America, has been found, by experience, to occasion great uneasinesses and disorders among his majesty's faithful subjects, who may, nevertheless, be disposed to acknowledge the justice of contributing to the common defence of the empire, provided such contribution should be raised under the authority of the general court, or general assembly, of each respective colony, province or plantation: and whereas, in order as well to remove the said uneasinesses, and to quiet the minds of his majesty's subjects, who may be disposed to return to their allegiance, as to restore the peace and welfare of all his majesty's dominions, it is expedient to declare that the King and parliament of Great-Britain will not impose any duty, tax or assessment, for the purpose of raising a revenue in any of the colonies, provinces or plantations: may it please your majesty, that it may be declared and enacted; and it is hereby declared and enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that, from and after the passing of this act, the King and parliament of Great-Britain will not impose any duty, tax, or assessment whatever, payable in any of his majesty's colonies, provinces and plantations, in North-America, or the West-Indies; except only such duties as it may be expedient to impose for the regulation

tion of commerce ; the net produce of such duties to be always paid and applied to and for the use of the colony, province or plantation, in which the same shall be respectively levied, in such manner as other duties collected by the authority of the respective general courts or general assemblies of such colonies, provinces or plantations, are ordinarily paid and applied.

AND be it further enacted by the authority aforesaid, that, from and after the passing of this act, so much of an act made in the seventh year of his present majesty's reign, entitled, ' An act for granting certain duties in the British colonies and plantations in America ; for allowing a drawback of the duties of customs upon the exportation from this kingdom of coffee and cocoanuts of the produce of the said colonies or plantations ; for discontinuing the drawbacks payable on china earthenware exported to America ; and for more effectually preventing the clandestine running of goods in the said colonies and plantations ;' as imposes a duty on tea imported from Great-Britain into any colony or plantation in America, or has relation to the said duty, be, and the same is hereby repealed.

*An act to enable his majesty to appoint commissioners with sufficient powers to treat, consult, and agree upon the means of quieting the disorders now subsisting in certain of the colonies, plantations, and provinces of North-America.*

FOR the quieting and extinguishing of divers jealousies and misapprehensions of danger to their liberties and legal rights, which have misled many of his majesty's subjects in the colonies, provinces, and plantations of New-Hampshire, Massachusetts-Bay, Rhode-Island, Connecticut, New-York, New-Jersey, Pennsylvania, the Three Lower Counties on Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia; and for a full manifestation of the just and gracious purposes of his majesty, and his parliament, to maintain and secure all his subjects in a clear and perfect enjoyment of such liberties and rights; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that it shall and may be lawful for his majesty, from time to time, by letters patent under the great seal of Great-Britain, to authorize and empower five able and sufficient persons, or any three of them, to treat, consult, and agree with such body or bodies political and corporate, or with such assembly or assemblies of men, or with any person or persons whatsoever,

whatsoever, of and concerning any grievances, or complaints of grievances, existing, or supposed to exist, in the government of any of the said colonies, provinces, or plantations respectively, or in the laws and statutes of this realm respecting the same; and of or concerning any aid or contribution to be furnished by all or any of the said colonies, provinces, or plantations respectively, for the common defence of this realm, and the dominions thereunto belonging; and of and concerning any other regulations, provisions, matters and things, necessary or convenient for the honour of his majesty, and his parliament, and for the common good of all his subjects.

PROVIDED also, and be it further enacted and declared, that no regulation, provision, matter or thing, so proposed, treated, consulted or agreed, shall have any other force or effect, or be carried further into execution, than is herein after mentioned and provided, until the same shall have been confirmed by parliament.

PROVIDED also, and be it further enacted by the authority aforesaid, that in order to facilitate the good purposes of this act, his majesty may lawfully enable the said commissioners, or any three of them, from time to time, to order and proclaim a cessation of hostilities, on the part of his majesty's forces, by sea or land, for any time, and under any conditions or restrictions; and such



such order and proclamation to revoke and annul in the same manner and form.

AND be it further enacted, that it shall and may be lawful for his majesty, by such letters patent as aforesaid, to authorize and empower the said commissioners, or any three of them, by proclamation, under their respective hands and seals, from time to time, to suspend the operation and effect of a certain act of parliament, made and passed in the sixteenth year of the reign of his present majesty, for prohibiting all trade and intercourse with certain colonies and plantations therein named, and for the other purposes therein also mentioned, or any of the provisions or restrictions therein contained; specifying in such proclamation at what times and places respectively, and with what exceptions and restrictions, and under what passes and clearances, in lieu of those heretofore directed by any act or acts of parliament for regulating the trade of the colonies or plantations, the said suspension shall take effect; and the said suspension and proclamation, in the same manner and form, to annul and revoke.

AND be it further enacted by the authority aforesaid, that it shall and may be lawful for his majesty, by such letters patent as aforesaid, to authorize and empower the said commissioners, or any three of them, to suspend in places, and for any times during the continuance of this act,  
the



the operation and effect of any act or acts of parliament which have passed since the tenth day of February, one thousand seven hundred and sixty-three, and which relate to any of his majesty's said colonies, provinces or plantations, in North-America, so far as the same does relate to them; or the operation and effect of any clause, or any provision or matter therein contained, so far as such clauses, provisions or matters, relate to any of the said colonies, provinces or plantations.

AND it is hereby enacted by the authority aforesaid, that it shall and may be lawful for his majesty, by such letters patent as aforesaid, to authorize and empower the said commissioners, or any three of them, and they are hereby authorized and empowered, to grant a pardon or pardons to any number or description of persons within the said colonies, provinces or plantations.

AND that no let or hindrance may happen from the vacancy of the office of governor and commander in chief in any of the said colonies, provinces or plantations, respectively, or from the absence of such officer from his government, be it further enacted by the authority aforesaid, that it shall and may be lawful for his majesty, by such letters patent as aforesaid, to authorize and empower the said commissioners, or any three of them, in any of the said colonies; provinces or plantations, respectively, wherein his majesty

majesty hath usually heretofore nominated and appointed a governor, to nominate and appoint, from time to time, by an instrument under their hands and seals, a proper person to be the governor and commander in chief, in and for any such colony, province or plantation: to have, hold, and exercise the said office of governor and commander in chief in and for such colony or plantation respectively, with all such powers and authorities as any governor of such province heretofore appointed by his majesty might or could have exercised, in as full and ample manner and form as if such governor and commander in chief had been nominated and appointed by his majesty's letters patent or commission; and for that purpose, if need be, to revoke, annul and make void, any commission or letters patent heretofore granted for appointing any such governor and commander in chief.

AND be it further enacted, that this act shall continue to be in force until the first day of June, one thousand seven hundred and seventy-nine.

To which the following answers were returned :

York-Town, June 6, 1778.

MY LORD,

I HAVE had the honour of laying your lordship's letter of the 27th of May, with the acts of the British parliament enclosed, before Congress ;

and I am instructed to acquaint your lordship, that they have already expressed their sentiments upon bills, not essentially different from those acts, in a publication of the 22d of April last.

YOUR lordship may be assured, that when the King of Great-Britain shall be seriously disposed to put an end to the unprovoked and cruel war waged against these United States, Congress will readily attend to such terms of peace as may consist with the honour of independent nations, the interest of their constituents, and the sacred regard they mean to pay to treaties. I am, my lord, with all due consideration,

Your lordship's

most obedient servant,

HENRY LAURENS,

president of Congress.

Lord Howe.

York-Town, June 6, 1778.

SIR,

I HAVE had the honour of laying your letter of the 3d instant, with the acts of the British parliament which came enclosed, before Congress; and I am instructed to acquaint you, sir, that they have already expressed their sentiments upon bills, not essentially different from these acts, in a publication of the 22d of April last.

BE assured, sir, when the King of Great-Britain shall be seriously disposed to put an end to  
the

the unprovoked and cruel war waged against these United States, Congress will readily attend to such terms of peace as may consist with the honour of independent nations, the interest of their constituents, and the sacred regard they mean to pay to treaties. I have the honour to be,

Sir,

Your most obedient, and  
most humble servant,

HENRY LAURENS,  
president of Congress.

His excellency sir Henry Clinton, K. B.  
Philadelphia.

ON the 13th of June a letter of the 9th was received from lord Carlisle, William Eden and George Johnstone, esquires, with copies of the three acts above-mentioned, and of a commission from the King of Great-Britain to the earl of Carlisle, lord viscount Howe, sir William Howe, or in his absence sir Henry Clinton, William Eden and George Johnstone; the letter was as follows:

GENTLEMEN,

WITH an earnest desire to stop the further effusion of blood and the calamities of war, we communicate to you, with the least possible delay after our arrival in this city, a copy of the commission with which his majesty is pleased to honour us, as also the acts of parliament on which  
it

it is founded. And, at the same time that we assure you of our most earnest desire to re-establish, on the basis of equal freedom and mutual safety, the tranquility of this once happy empire, you will observe that we are vested with powers equal to the purpose, and such as are even unprecedented in the annals of our history.

IN the present state of our affairs, though fraught with subjects of mutual regret, all parties may draw some degree of consolation, and even auspicious hope, from the recollection that cordial reconciliation and affection have, in our own and other empires, succeeded to contentions and temporary divisions, not less violent than those we now experience.

WE wish not to recall subjects which are now no longer in controversy, and will reserve to a proper time of discussion, both the hopes of mutual benefit, and the consideration of evils, that may naturally contribute to determine your resolutions, as well as our own, on this important occasion.

THE acts of parliament which we transmit to you having passed with singular unanimity, will sufficiently evince the disposition of Great-Britain, and shew that the terms of agreement in contemplation with his majesty and with parliament are such as come up to every wish that North-America, either in the hour of temperate  
deliberation



deliberation or of the utmost apprehension of danger to liberty, has expressed.

MORE effectually to demonstrate our good intentions, we think proper to declare, even in this our first communication, that we are disposed to concur in every satisfactory and just arrangement towards the following among other purposes :

To consent to a cessation of hostilities, both by sea and land.

To restore free intercourse, to revive mutual affection, and renew the common benefits of naturalization, through the several parts of this empire.

To extend every freedom to trade that our respective interests can require.

To agree that no military forces shall be kept up in the different states of North-America, without the consent of the general Congress or particular assemblies.

To concur in measures calculated to discharge the debts of America, and to raise the credit and value of the paper circulation.

To perpetuate our union by a reciprocal deputation of an agent or agents from the different states, who shall have the privilege of a seat and  
voice

voice in the parliament of Great-Britain ; or, if sent from Britain, in that case to have a seat and voice in the assemblies of the different states to which they may be deputed respectively, in order to attend the several interests of those by whom they are deputed.

IN short, to establish the power of the respective legislatures in each particular state, to settle its revenue, its civil and military establishment, and to exercise a perfect freedom of legislation and internal government, so that the British states throughout North-America, acting with us in peace and war under one common sovereign, may have the irrevocable enjoyment of every privilege, that is short of a total separation of interests, or consistent with that union of force, on which the safety of our common religion and liberty depends.

IN our anxiety for preserving those sacred and essential interests, we cannot help taking notice of the insidious interposition of a power, which has, from the first settlement of these colonies, been actuated with enmity to us both. And notwithstanding the pretended date or present form of the French offers to North-America, yet it is notorious that these were made in consequence of the plans of accommodation previously concerted in Great-Britain, and with a view to prevent our reconciliation, and to prolong this destructive war.

BUT

BUT we trust that the inhabitants of North-America, connected with us by the nearest ties of consanguinity, speaking the same language, interested in the preservation of similar institutions, remembering the former happy intercourse of good offices, and forgetting recent animosities, will shrink from the thought of becoming an accession of force to our late mutual enemy, and will prefer a firm, a free and perpetual coalition with the parent-state, to an insincere and unnatural foreign alliance.

THIS despatch will be delivered to you by doctor Ferguson, the secretary to his majesty's commission. And for further explanation and discussion of every subject of difference, we desire to meet with you, either collectively or by deputation, at New-York, Philadelphia, York-Town, or such other place as you may propose. We think it right, however, to apprise you, that his majesty's instructions, as well as our own desire to remove from the immediate seat of war, in the active operations of which we cannot take any part, may induce us speedily to remove to New-York : but the commander in chief of his majesty's land-forces, who is joined with us in this commission, will, if it should become eligible, either concur with us in a suspension of hostilities, or will furnish all necessary passports and safe conduct to facilitate our meeting, and we shall of course expect the same of you.

IF,

IF, after the time that may be necessary to consider this communication and transmit your answer, the horrors and devastations of war should continue, we call God and the world to witness, that the evils which must follow, are not to be imputed to Great-Britain: and we cannot, without the most real sorrow, anticipate the prospect of calamities, which we feel the most ardent desire to prevent. We are, with perfect respect,

Gentlemen,

Your most obedient,

and most humble servants,

CARLISLE,

WM. EDEN,

GEO. JOHNSTONE.

Philadelphia, 9th

June, 1778.

*To his excellency Henry Laurens, the president, and  
other the members of Congress.*

GENTLEMEN,

THE despatch enclosed with this was carried this morning to the nearest post of general Washington's army by doctor Ferguson, secretary to his majesty's commission for restoring peace, &c. but he not finding a passport, has returned to this place. In order to avoid every unnecessary delay, we now again send it by the ordinary conveyance of your military posts. As soon as  
the

the passport arrives, doctor Ferguson shall wait upon you according to our first arrangement. We are, with perfect respect,

Gentlemen,

Your most obedient,  
and most humble servants,

CARLISLE,  
WM. EDEN,  
GEO. JOHNSTONE.

Philadelphia, June 9,  
1778.

To this letter the following answer was unanimously given upon the 17th of June :

*To their excellencies the right honourable the earl of Carlisle, William Eden, esquire, George Johnstone, esquire, commissioners from his Britannick majesty, Philadelphia.*

I HAVE received the letter from your excellencies of the 9th instant, with the enclosures, and laid them before Congress. Nothing but an earnest desire to spare the farther effusion of human blood could have induced them to read a paper, containing expressions so disrespectful to his most christian majesty, the good and great ally of these states ; or to consider propositions so derogatory to the honour of an independent nation.



THE acts of the British parliament, the commission from your sovereign, and your letter, suppose the people of these states to be subjects of the crown of Great-Britain, and are founded on the idea of dependence, which is utterly inadmissible.

I AM further directed to inform your excellencies, that Congress are inclined to peace, notwithstanding the unjust claims from which this war originated, and the savage manner in which it hath been conducted. They will, therefore, be ready to enter upon the consideration of a treaty of peace and commerce, not inconsistent with treaties already subsisting, when the King of Great-Britain shall demonstrate a sincere disposition for that purpose. The only solid proof of this disposition will be, an explicit acknowledgment of the independence of these states, or the withdrawing his fleets and armies.

I have the honour to be,  
Your excellencies most obedient,  
and humble servant,

Signed, by order of the unanimous voice of  
Congress,

HENRY LAURENS, president.

York-Town, June 17, 1778.

NOTE

## N O T E XXV. PAGE 179.

ON the 21<sup>st</sup> day of April, 1778, the Congress, then sitting at York-Town, received a letter from general Washington, enclosing a printed paper from Philadelphia, purporting to be draughts of three bills similar to the three acts which are stated in Note XXIV, commonly called The conciliatory acts, which was referred to a committee. On the day following, viz. the 22<sup>d</sup> of April, the committee reported as follows :

**T**HE committee to whom was referred the general's letter of the 18<sup>th</sup>, containing a certain printed paper sent from Philadelphia, purporting to be the draught of a bill for declaring the intentions of the parliament of Great-Britain, as to the exercise of what they are pleased to term their right of imposing taxes within these United States ; and also the draught of a bill to enable the King of Great-Britain to appoint commissioners, with powers to treat, consult and agree upon, the means of quieting certain disorders within the said states, beg leave to observe, that the said paper being industriously circulated by emissaries of the enemy, in a partial and secret manner, the same ought to be forthwith printed for the publick information.

THE committee cannot ascertain whether the contents of the said paper have been framed in  
Philadelphia,

Philadelphia, or in Great-Britain, much less whether the same are really and truly intended to be brought into the parliament of that kingdom, or whether the said parliament will confer thereon the usual solemnities of their laws. But are inclined to believe this will happen, for the following reasons :

1. BECAUSE their general hath made divers feeble efforts to set on foot some kind of treaty during the last winter, though, either from a mistaken idea of his own dignity and importance, the want of information, or some other cause, he hath not made application to those who are invested with a proper authority.

2. BECAUSE they suppose that the fallacious idea of a cessation of hostilities will render these states remiss in their preparations for war.

3. BECAUSE, believing the Americans wearied with war, they suppose we will accede to their terms for the sake of peace.

4. BECAUSE they suppose that our negotiations may be subject to a like corrupt influence with their debates.

5. BECAUSE they expect from this step the same effects they did from what one of their ministers thought proper to call his conciliatory motion, viz. that it will prevent foreign powers from

from giving aid to these states ; that it will lead their own subjects to continue a little longer the present war ; and that it will detach some weak men in America from the cause of freedom and virtue.

6. BECAUSE their King, from his own shewing, hath reason to apprehend that his fleets and armies, instead of being employed against the territories of these states, will be necessary for the defence of his own dominions. And,

7. BECAUSE the impracticability of subjugating this country being every day more and more manifest, it is their interest to extricate themselves from the war upon any terms.

THE committee beg leave further to observe, that, upon a supposition the matters contained in the said paper will really go into the British statute-book, they serve to shew, in a clear point of view, the weakness and wickedness of the enemy.

Their weakness,

1. BECAUSE they formerly declared, not only that they had a right to bind the inhabitants of these states in all cases whatsoever, but also that the said inhabitants should absolutely and unconditionally submit to the exercise of that right. And this submission they have endeavoured to exact by the sword. Receding from this claim, therefore,



therefore, under the present circumstances, shews their inability to enforce it.

2. BECAUSE their prince had heretofore rejected the humblest petitions of the representatives of America, praying to be considered as subjects, and protected in the enjoyment of peace, liberty and safety; and hath waged a most cruel war against them, and employed the savages to butcher innocent women and children. But now the same prince pretends to treat with those very representatives, and grant to the arms of America what he refused to her prayers.

3. BECAUSE they have uniformly laboured to conquer this continent, rejecting every idea of accommodation proposed to them, from a confidence in their own strength. Wherefore it is evident, from the change in their mode of attack, that they have lost this confidence. And,

4. BECAUSE the constant language, spoken not only by their ministers, but by the most publick and authentick acts of the nation, hath been, that it is incompatible with their dignity to treat with the Americans while they have arms in their hands. Notwithstanding which, an offer is now about to be made for treaty.

THE WICKEDNESS and INSINCERITY of the enemy appear from the following considerations:

1. EITHER



1. EITHER the bills now to be passed contain a direct or indirect cession of a part of their former claims, or they do not. If they do, then it is acknowledged that they have sacrificed many brave men in an unjust quarrel. If they do not, then they are calculated to deceive America into terms, to which neither argument before the war, nor force since, could procure her assent.

2. THE first of these bills appears, from the title, to be a declaration of the intentions of the British parliament, concerning the exercise of the right of imposing taxes within these states. Wherefore, should these states treat under the said bill, they would indirectly acknowledge that right, to obtain which acknowledgment, the present war hath been avowedly undertaken and prosecuted on the part of Great-Britain.

3. SHOULD such pretended right be so acquiesced in, then, of consequence, the same might be exercised whenever the British parliament should find themselves in a different temper and disposition; since it must depend upon those, and such like contingencies, how far men will act according to their former intentions.

4. THE said first bill, in the body thereof, containeth no new matter, but is precisely the same with the motion before-mentioned, and liable to all the objections which lay against the said motion, excepting the following particular, viz.  
that

that by the motion actual taxation was to be suspended, so long as America should give as much as the said parliament might think proper : whereas, by the proposed bill, it is to be suspended, as long as future parliaments continue of the same mind with the present.

5. FROM the second bill it appears, that the British King may, if he pleases, appoint commissioners to treat and agree with those, whom they please, about a variety of things therein mentioned. But such treaties and agreements are to be of no validity, without the concurrence of the said parliament, except so far as they relate to the suspension of hostilities, and of certain of their acts, the granting of pardons, and the appointing of governors to these sovereign, free and independent states. Wherefore, the said parliament have reserved to themselves, in express words, the power of setting aside any such treaty, and taking the advantage of any circumstances which may arise to subject this continent to their usurpations.

6. THE said bill, by holding forth a tender of pardon, implies a criminality in our justifiable resistance, and consequently, to treat under it would be an implied acknowledgment that the inhabitants of these states were, what Britain hath declared them to be, rebels.

7. THE inhabitants of these states being claimed  
ed

ed by them as subjects, they may infer, from the nature of the negotiation now pretended to be set on foot, that the said inhabitants would of right be afterwards bound by such laws as they should make. Wherefore any agreement entered into on such negotiation might at any future time be repealed. And,

8. BECAUSE the said bill purports, that the commissioners therein mentioned may treat with private individuals; a measure highly derogatory to the dignity of national character.

FROM all which it appears evident to your committee, that the said bills are intended to operate upon the hopes and fears of the good people of these states, so as to create divisions among them, and a defection from the common cause, now, by the blessing of Divine Providence, drawing near to a favourable issue. That they are the sequel of that insidious plan, which, from the days of the stamp-act, down to the present time, hath involved this country in contention and bloodshed. And that, as in other cases so in this, although circumstances may force them at times to recede from their unjustifiable claims, there can be no doubt but they will, as heretofore, upon the first favourable occasion, again display that lust of domination, which hath rent in twain the mighty empire of Britain.

UPON the whole matter, the committee beg

leave to report it as their opinion, that as the Americans united in this arduous contest upon principles of common interest, for the defence of common rights and privileges, which union hath been cemented by common calamities, and by mutual good offices and affection, so the great cause for which they contend, and in which all mankind are interested, must derive its success from the continuance of that union. Wherefore any man or body of men, who should presume to make any separate or partial convention or agreement with commissioners under the crown of Great-Britain, or any of them, ought to be considered and treated as open and avowed enemies of these United States.

AND further, your committee beg leave to report it as their opinion, that these United States cannot, with propriety, hold any conference with any commissioners on the part of Great-Britain, unless they shall, as a preliminary thereto, either withdraw their fleets and armies, or else, in positive and express terms, acknowledge the independence of the said states.

AND in as much as it appears to be the design of the enemies of these states to lull them into a fatal security—to the end that they may act with a becoming weight and importance, it is the opinion of your committee, that the several states be called upon to use the most strenuous exertions to have their respective quotas of continental troops



troops in the field as soon as possible, and that all the militia of the said states be held in readiness, to act as occasion may require.

THIS report being read, and debated by paragraphs, was agreed to unanimously, and published.

# N O T E XXVI. PAGE 181.

ON the 6th of July, 1775, the Congress published the following declaration :

**I**F it was possible for men, who exercise their reason, to believe, that the Divine Author of our existence intended a part of the human race to hold an absolute property in, and an unbounded power over others, marked out by his infinite goodness and wisdom, as the objects of a legal domination never rightfully resistible, however severe and oppressive, the inhabitants of these colonies might at least require from the parliament of Great-Britain some evidence, that this dreadful authority over them has been granted to that body. But a reverence for our great Creator, principles of humanity, and the dictates of common sense, must convince all those who reflect upon the subject, that government was instituted to promote the welfare of mankind, and ought to be administered for the attainment of that end. The legislature of Great-Britain, however stimulated



mulated by an inordinate passion for a power not only unjustifiable, but which they know to be peculiarly reprobated by the very constitution of that kingdom, and desperate of success in any mode of contest, where regard should be had to truth, law, or right, have at length, deserting those, attempted to effect their cruel and impolitic purpose of enslaving these colonies by violence, and have thereby rendered it necessary for us to close with their last appeal from reason to arms. Yet, however blinded that assembly may be, by their intemperate rage for unlimited domination, so to slight justice and the opinion of mankind, we esteem ourselves bound by obligations of respect to the rest of the world, to make known the justice of our cause.

OUR forefathers, inhabitants of the island of Great-Britain, left their native land to seek on these shores a residence for civil and religious freedom. At the expence of their blood, at the hazard of their fortunes, without the least charge to the country from which they removed, by unceasing labour and an unconquerable spirit, they effected settlements in the distant and inhospitable wilds of America, then filled with numerous and warlike nations of barbarians. Societies or governments, vested with perfect legislatures, were formed under charters from the crown, and an harmonious intercourse was established between the colonies and the kingdom from which they derived their origin. The mutual benefits of this  
union

union became in a short time so extraordinary, as to excite astonishment. It is universally confessed, that the amazing increase of the wealth, strength, and navigation of the realm, arose from this source; and the minister, who so wisely and successfully directed the measures of Great-Britain in the late war, publicly declared, that these colonies enabled her to triumph over her enemies. Towards the conclusion of that war, it pleased our sovereign to make a change in his councils. From that fatal moment, the affairs of the British empire began to fall into confusion, and gradually sliding from the summit of glorious prosperity, to which they had been advanced by the virtues and abilities of one man, are at length distracted by the convulsions, that now shake it to its deepest foundations. The new ministry finding the brave foes of Britain, though frequently defeated, yet still contending, took up the unfortunate idea of granting them a hasty peace, and of then subduing her faithful friends.

THESE devoted colonies were judged to be in such a state, as to present victories without bloodshed, and all the easy emoluments of statuteable plunder. The uninterrupted tenor of their peaceable and respectful behaviour from the beginning of colonization, their dutiful, zealous, and useful services during the war, though so recently and amply acknowledged in the most honourable manner by his majesty, by the late King, and by parliament, could not save them  
from

from the meditated innovations. Parliament was influenced to adopt the pernicious project, and assuming a new power over them, have, in the course of eleven years, given such decisive specimens of the spirit and consequences attending this power, as to leave no doubt concerning the effects of acquiescence under it. They have undertaken to give and grant our money without our consent, though we have ever exercised an exclusive right to dispose of our own property; statutes have been passed for extending the jurisdiction of courts of admiralty and vice-admiralty beyond their ancient limits; for depriving us of the accustomed and inestimable privilege of trial by jury in cases affecting both life and property; for suspending the legislature of one of the colonies; for interdicting all commerce to the capital of another; and for altering fundamentally the form of government established by charter, and secured by acts of its own legislature, solemnly confirmed by the crown; for exempting the ‘murderers’ of colonists from legal trial, and, in effect, from punishment; for erecting in a neighbouring province, acquired by the joint arms of Great-Britain and America, a despotism dangerous to our very existence; and for quartering soldiers upon the colonists in time of profound peace. It has also been resolved in parliament, that colonists charged with committing certain offences, shall be transported to England to be tried.

BUT why should we enumerate our injuries in detail? By one statute it is declared, that parliament can ‘ of right, make laws to bind us in ‘ all cases whatsoever.’ What is to defend us against so enormous, so unlimited a power? Not a single man of those who assume it, is chosen by us; or is subject to our control or influence; but, on the contrary, they are all of them exempt from the operation of such laws, and an American revenue, if not diverted from the ostensible purposes for which it is raised, would actually lighten their own burdens in proportion as they increase ours. We saw the misery to which such despotism would reduce us. We, for ten years, incessantly and ineffectually, besieged the throne as supplicants; we reasoned, we remonstrated with parliament in the most mild and decent language.

ADMINISTRATION, sensible that we should regard these oppressive measures as freemen ought to do, sent over fleets and armies to enforce them. The indignation of the Americans was roused, it is true; but it was the indignation of a virtuous, loyal, and affectionate people. A congress of delegates from the United Colonies was assembled at Philadelphia, on the fifth day of last September. We resolved again to offer an humble and dutiful petition to the King, and also addressed our fellow-subjects of Great-Britain. We have pursued every temperate, every respectful measure; we have even proceeded to  
break



break off our commercial intercourse with our fellow-subjects, as the last peaceable admonition, that our attachment to no nation upon earth should supplant our attachment to liberty. This, we flattered ourselves, was the ultimate step of the controversy: but subsequent events have shewn, how vain was this hope of finding moderation in our enemies.

SEVERAL threatening expressions against the colonies were inserted in his majesty's speech; our petition, though we were told it was a decent one, and that his majesty had been pleased to receive it graciously, and to promise laying it before his parliament, was huddled into both houses among a bundle of American papers, and there neglected. The lords and commons in their address, in the month of February, said, 'that a rebellion at that time actually existed within the province of Massachusetts-Bay; and that those concerned in it had been countenanced and encouraged by unlawful combinations and engagements, entered into by his majesty's subjects in several of the other colonies; and therefore they besought his majesty, that he would take the most effectual measures to enforce due obedience to the laws and authority of the supreme legislature.' Soon after the commercial intercourse of whole colonies, with foreign countries, and with each other, was cut off by an act of parliament; by another, several of them were entirely prohibited from the fisheries



fisheries in the seas near their coasts, on which they always depended for their sustenance ; and large reinforcements of ships and troops were immediately sent over to general Gage.

FRUITLESS were all the entreaties, arguments, and eloquence of an illustrious band of the most distinguished peers and commoners, who nobly and strenuously asserted the justice of our cause, to stay, or even to mitigate the heedless fury with which these accumulated and unexampled outrages were hurried on. Equally fruitless was the interference of the city of London, of Bristol, and many other respectable towns, in our favour. Parliament adopted an insidious manœuvre, calculated to divide us, to establish a perpetual auction of taxations where colony should bid against colony, all of them uninformed what ransom should redeem their lives ; and thus to extort from us, at the point of the bayonet, the unknown sums that should be sufficient to gratify, if possible to gratify, ministerial rapacity, with the miserable indulgence left to us of raising, in our own mode, the prescribed tribute. What terms more rigid and humiliating could have been dictated by remorseless victors to conquered enemies ? In our circumstances to accept them, would be to deserve them.

Soon after the intelligence of these proceedings arrived on this continent, general Gage, who, in the course of the last year, had taken

possession of the town of Boston, in the province of Massachusetts-Bay, and still occupied it as a garrison, on the 19th day of April, sent out from that place a large detachment of his army, who made an unprovoked assault on the inhabitants of the said province, at the town of Lexington, as appears by the affidavits of a great number of persons, some of whom were officers and soldiers of that detachment, murdered eight of the inhabitants, and wounded many others. From thence the troops proceeded in warlike array to the town of Concord, where they set upon another party of the inhabitants of the same province, killing several and wounding more, until compelled to retreat by the country people suddenly assembled to repel this cruel aggression. Hostilities, thus commenced by the British troops, have been since prosecuted by them without regard to faith or reputation. The inhabitants of Boston being confined within that town by the general, their governor, and having, in order to procure their dismissal, entered into a treaty with him, it was stipulated, that the said inhabitants having deposited their arms with their own magistrates, should have liberty to depart, taking with them their other effects. They accordingly delivered up their arms, but in open violation of honour, in defiance of the obligation of treaties, which even savage nations esteemed sacred, the governor ordered the arms deposited as aforesaid, that they might be preserved for their owners, to be seized by a body of soldiers ; detained the greatest  
part

part of the inhabitants in the town, and compelled the few who were permitted to retire, to leave their most valuable effects behind.

By this perfidy, wives are separated from their husbands; children from their parents, the aged and the sick from their relations and friends, who wish to attend and comfort them; and those who have been used to live in plenty and even elegance, are reduced to deplorable distress.

THE general, further emulating his ministerial masters, by a proclamation bearing date on the 12th day of June, after venting the grossest falsehoods and calumnies against the good people of these colonies, proceeds to ‘declare them all, ‘either by name or description, to be rebels and ‘traitors, to supersede the course of the common ‘law, and instead thereof to publish and order ‘the use and exercise of the law martial.’ His troops have butchered our countrymen, have wantonly burnt Charleston, besides a considerable number of houses in other places; our ships and vessels are seized; the necessary supplies of provisions are intercepted, and he is exerting his utmost power to spread destruction and devastation around him.

WE have received certain intelligence, that general Carleton, the governor of Canada, is instigating the people of that province, and the Indians, to fall upon us; and we have but too  
much

much reason to apprehend, that schemes have been formed to excite domestick enemies against us. In brief, a part of these colonies now feel, and all of them are sure of feeling, as far as the vengeance of administration can inflict them, the complicated calamities of fire, sword and famine. We are reduced to the alternative of choosing an unconditional submission to the tyranny of irritated ministers, or resistance by force. The latter is our choice. We have counted the cost of this contest, and find nothing so dreadful as voluntary slavery. Honour, justice and humanity, forbid us tamely to surrender that freedom which we received from our gallant ancestors, and which our innocent posterity have a right to receive from us. We cannot endure the infamy and guilt of resigning succeeding generations to that wretchedness which inevitably awaits them, if we basely entail hereditary bondage upon them.

OUR cause is just. Our union is perfect. Our internal resources are great, and, if necessary, foreign assistance is undoubtedly attainable. We gratefully acknowledge, as signal instances of the Divine Favour towards us, that his Providence would not permit us to be called into this severe controversy, until we were grown up to our present strength, had been previously exercised in warlike operation, and possessed of the means of defending ourselves. With hearts fortified with these animating reflections, we most solemnly,



ly, before GOD and the world, DECLARE, that, exerting the utmost energy of those powers, which our beneficent Creator hath graciously bestowed upon us, the arms we have been compelled by our enemies to assume, we will, in defiance of every hazard, with unabating firmness and perseverance, employ for the preservation of our liberties; being with one mind resolved to die freemen rather than to live slaves.

LEST this declaration should disquiet the minds of our friends and fellow-subjects in any part of the empire, we assure them that we mean not to dissolve that union which has so long and so happily subsisted between us, and which we sincerely wish to see restored. Necessity has not yet driven us into that desperate measure, or induced us to excite any other nation to war against them. We have not raised armies with ambitious designs of separating from Great-Britain, and establishing independent states. We fight not for glory or for conquest. We exhibit to mankind the remarkable spectacle of a people attacked by unprovoked enemies, without any imputation or even suspicion of offence. They boast of their privileges and civilization, and yet proffer no milder conditions than servitude or death.

IN our own native land, in defence of the freedom that is our birth-right, and which we ever enjoyed till the late violation of it—for the protection of our property, acquired solely by the  
honest



honest industry of our fore-fathers and ourselves, against violence actually offered, we have taken up arms. We shall lay them down when hostilities shall cease on the part of the aggressors, and all danger of their being renewed shall be removed, and not before.

WITH an humble confidence in the mercies of the supreme and impartial Judge and Ruler of the universe, we most devoutly implore his Divine Goodness to protect us happily through this great conflict, to dispose our adversaries to reconciliation on reasonable terms, and thereby to relieve the empire from the calamities of civil war.

N O T E

## N O T E XXVII. PAGE 183.

*The manifesto and declaration of the earl of Carlisle, sir Henry Clinton and William Eden, published on the third day of October, 1778.*

*To the members of the Congress, the members of the general assemblies or conventions of the several colonies, plantations and provinces of New-Hampshire, Massachusetts-Bay, Rhode-Island, Connecticut, New-York, New-Jersey, Pennsylvania, the Three Lower Counties on Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia, and all others, free inhabitants of the said colonies, of every rank and denomination.*

*By the earl of Carlisle, sir Henry Clinton and William Eden, esquire, commissioners appointed by his majesty in pursuance of an act of parliament, made and passed in the eighteenth year of his majesty's reign, to enable his majesty to appoint commissioners to treat, consult, and agree upon the means of quieting the disorders now subsisting in certain of the colonies, plantations, and provinces in North-America.*

**H**AVING amply and repeatedly made known to the Congress, and having also proclaimed to the inhabitants of North-America in general, the benevolent overtures of Great-Britain towards a re-union and coalition with her colonies, we do not think it consistent either with the duty we  
owe

owe to our country, or with a just regard to the characters we bear, to persist in holding out offers, which, in our estimation, required only to be known to be most gratefully accepted; and we have accordingly, excepting only the commander in chief, who will be detained by military duties, resolved to return to England a few weeks after the date of this manifesto and proclamation.

PREVIOUS, however, to this decisive step, we are led, by a just anxiety for the great objects of our mission, to enlarge on some points which may not have been sufficiently understood, to recapitulate to our fellow-subjects the blessings which we are empowered to confer, and to warn them of the continued train of evils to which they are at present blindly and obstinately exposing themselves.

To the members of the Congress, then, we again declare, that we are ready to concur in all satisfactory and just arrangements for securing to them and their respective constituents, the re-establishment of peace, with the exemption from any imposition of taxes by the parliament of Great-Britain, and the irrevocable enjoyment of every privilege consistent with that union of interests and force on which our mutual prosperity and the safety of our common religion and liberty depend. We again assert, that the members of the Congress were not authorized by their constitution either to reject our offers without the pre-  
vious

vious consideration and consent of the several assemblies and conventions, their constituents, or to refer us to pretended foreign treaties, which they know are delusively framed in the first instance, and which have never yet been ratified by the people of this continent. And we once more remind the members of the Congress, that they are responsible to their countrymen, to the world, and to God, for the continuance of this war, and for all the miseries with which it must be attended.

To the general assemblies and conventions of the different colonies, plantations and provinces above-mentioned, we now separately make the offers which we originally transmitted to the Congress; and we hereby call upon and urge them to meet expressly for the purpose of considering whether every motive, political as well as moral, should not decide their resolution to embrace the occasion of cementing a free and firm coalition with Great-Britain. It has not been, nor is it, our wish, to seek the objects, which we are commissioned to pursue, by fomenting popular divisions and partial cabals; we think such conduct would be ill suited to the generous nature of the offers made, and unbecoming the dignity of the King and the state which makes them. But it is both our wish and our duty to encourage and support any men or bodies of men in their return of loyalty to our sovereign and of affection to our fellow-subjects.

To all others, free inhabitants of this once happy empire, we also address ourselves. Such of them as are actually in arms, of whatsoever rank or description, will do well to recollect, that the grievances, whether real or supposed, which led them into this rebellion, have been for-ever removed, and that the just occasion is arrived for their returning to the class of peaceful citizens. But if the honours of a military life are become their object, let them seek those honours under the banners of their rightful sovereign, and in fighting the battles of the united British empire against our late mutual and natural enemy.

To those whose profession it is to exercise the functions of religion on this continent, it cannot surely be unknown, that the foreign power with which the Congress is endeavouring to connect them, has ever been averse to toleration, and inveterately opposed to the interests and freedom of the places of worship which they serve; and that Great-Britain, from whom they are for the present separated, must, both from the principles of her constitution and of protestantism, be at all times the best guardian of religious liberty, and most disposed to promote and extend it.

To all those who can estimate the blessings of peace, and its influence over agriculture, arts and commerce, who can feel a due anxiety for the education and establishment of their children, or who can place a just value on domestick security,

we



we think it sufficient to observe, that they are made by their leaders to continue involved in all the calamities of war, without having either a just object to pursue, or a subsisting grievance which may not instantly be redressed.

BUT if there be any persons who, divested of mistaken resentments, and uninfluenced by selfish interests, really think that it is for the benefit of the colonies to separate themselves from Great-Britain, and that so separated, they will find a constitution more mild, more free, and better calculated for their prosperity than that which they heretofore enjoyed, and which we are empowered and disposed to renew and improve, with such persons we will not dispute a position which seems to be sufficiently contradicted by the experience they have had. But we think it right to leave them fully aware of the change which the maintaining such a position must make in the whole nature and future conduct of this war; more especially when to this position is added the pretended alliance with the court of France.—The policy, as well as the benevolence of Great-Britain, have thus far checked the extremes of war, when they tended to distress a people still considered as our fellow-subjects, and to desolate a country shortly to become a source of mutual advantage: but when that country professes the unnatural design not only of estranging herself from us, but of mortgaging herself and her resources to our enemies, the whole contest is changed;

changed; and the question is, how far Great-Britain may, by every means in her power, destroy or render useless a connection contrived for her ruin, and for the aggrandizement of France. Under such circumstances the laws of self-preservation must direct the conduct of Great-Britain; and if the British colonies are to become an accession to France, will direct her to render that accession of as little avail as possible to her enemy.

IF, however, there are any who think, that, notwithstanding these reasonings, the independence of the colonies will, in the result, be acknowledged by Great-Britain; to them we answer without reserve, that we neither possess or expect powers for that purpose; and that, if Great-Britain could ever have sunk so low as to adopt such a measure, we should not have thought ourselves compellable to be the instruments in making a concession, which would, in our opinion, be calamitous to the colonies, for whom it is made, and disgraceful as well as calamitous, to the country from which it is required. And we think proper to declare, that in this spirit and sentiment we have regularly written from this continent to Great-Britain.

It will now become the colonies in general to call to mind their own solemn appeals to Heaven in the beginning of this contest; that they took arms only for the redress of grievances; and that

it

it would be their wish, as well as their interest, to remain for-ever connected with Great-Britain. We again ask them, whether all their grievances, real or supposed, have not been amply and fully redressed? and we insist, that the offers we have made, leave nothing to be wished, in point either of immediate liberty or permanent security: if those offers are now rejected, we withdraw from the exercise of a commission with which we have in vain been honoured; the same liberality will no longer be due from Great-Britain, nor can it either in justice or policy be expected from her.

IN fine, and for the fuller manifestation as well of the disposition we bear, as of the gracious and generous purposes of the commission under which we act, we hereby declare, that whereas his majesty, in pursuance of an act, made and passed in the eighteenth session of parliament, entitled, ‘ An act to enable his majesty to appoint commissioners with sufficient powers to treat, consult and agree upon the means of quieting the disorders now subsisting in certain of the colonies, plantations and provinces of North-America,’ having been pleased to authorize and empower us to grant a pardon or pardons to any number or description of persons within the colonies, plantations and provinces of New-Hampshire, Massachusetts-Bay, Rhode-Island, Connecticut, New-York, New-Jersey, Pennsylvania, the Three Lower Counties on Delaware, Maryland, Virginia, North-Carolina, South-Carolina,

South-Carolina and Georgia: and whereas the good effects of the said authorities and powers towards the people at large, would have long since taken place, if a due use had been made of our first communications and overtures, and have thus far been frustrated only by the precipitate resolution of the members of the Congress not to treat with us, and by their declining to consult with their constituents: we now in making our appeal to those constituents, and to the free inhabitants of this continent in general, have determined to give to them what in our opinion should have been the first object of those who appeared to have taken the management of their interests, and adopt this mode of carrying the said authorities and powers into execution. We accordingly hereby grant and proclaim a pardon or pardons of all and all manner of treasons or misprisions of treasons, by any person or persons, or by any number or description of persons within the said colonies, plantations or provinces, counselled, commanded, acted or done on or before the date of this manifesto and proclamation.

AND we further declare and proclaim, that if any person or persons, or any number or description of persons within the said colonies, plantations and provinces, now actually serving either in a civil or military capacity in this rebellion, shall, at any time during the continuance of this manifesto and proclamation, withdraw himself or themselves from such civil or military service, and  
shall

shall continue thenceforth peaceably as a good and faithful subject or subjects to his majesty, to demean himself or themselves, such person or persons, or such number and description of persons, shall become and be fully entitled to, and hereby obtain all the benefits of, the pardon or pardons hereby granted; excepting only from the said pardon or pardons every person, and every number or description of persons, who, after the date of this manifesto and proclamation, shall, under the pretext of authority, as judges, jurymen, ministers, or officers of civil justice, be instrumental in executing and putting to death any of his majesty's subjects within the said colonies, plantations and provinces.

AND we think proper further to declare, that nothing herein contained is meant, or shall be construed, to set at liberty any person or persons now being a prisoner or prisoners, or who, during the continuance of this rebellion, shall become a prisoner or prisoners.

AND we offer to the colonies at large, or separately, a general or separate peace, with the revival of their ancient governments secured against any future infringements, and protected for-ever from taxation by Great-Britain. And, with respect to such further regulations, whether civil, military or commercial, as they may wish to be framed and established, we promise all the concurrence



concurrence and assistance that his majesty's commission authorizes and enables us to give.

AND we declare, that this manifesto and proclamation shall continue and be in force forty days from the date thereof, that is to say, from the third day of October to the eleventh day of November, both inclusive.

AND, in order that the whole contents of this manifesto and proclamation may be more fully known, we shall direct copies thereof, both in the English and German language, to be transmitted by flags of truce to the Congress, the general assemblies or conventions of the colonies, plantations and provinces, and to several persons both in civil and military capacities within the said colonies, plantations and provinces. And, for the further security in times to come of the several persons or numbers or descriptions of persons who are or may be the objects of this manifesto and proclamation, we have set our hands and seals to thirteen copies thereof, and have transmitted the same to the thirteen colonies, plantations and provinces above-mentioned; and we are willing to hope that the whole of this manifesto and proclamation will be fairly and freely published and circulated for the immediate, general and most serious consideration and benefit of all his majesty's subjects on this continent. And we earnestly exhort all persons who by this instrument forthwith receive the benefit of the  
King's

King's pardon, at the same time that they entertain a becoming sense of those lenient and affectionate measures whereby they are now freed from many grievous charges which might have risen in judgment, or have been brought in question against them, to make a wise improvement of the situation in which this manifesto and proclamation places them, and not only to recollect, that a perseverance in the present rebellion, or any adherence to the treasonable connection attempted to be framed with a foreign power, will, after the present grace extended, be considered as crimes of the most aggravated kind, but to vie with each other in eager and cordial endeavours to secure their own peace, and promote and establish the prosperity of their countrymen and the general weal of the empire.

AND, pursuant to his majesty's commission, we hereby require all officers, civil and military, and all others his majesty's loving subjects whatsoever, to be aiding and assisting unto us in the execution of this our manifesto and proclamation, and of all the matters herein contained.

Given at New-York, this third day of  
October, 1778.

CARLISLE, (L. S.)

H. CLINTON, (L. S.)

WM. EDEN, (L. S.)

By their excellencies command,

ADAM FERGUSON, secretary.

## N O T E XXVIII. PAGE 184.

*By the CONGRESS of the United States of  
America,*

## M A N I F E S T O.

**T**HESE United States having been driven to hostilities by the oppressive and tyrannous measures of Great-Britain; having been compelled to commit the essential rights of man to the decision of arms; and having been at length forced to shake off a yoke which had grown too burdensome to bear, they declared themselves free and independent.

CONFIDING in the justice of their cause; confiding in Him who disposes of human events, although weak and unprovided, they set the power of their enemies at defiance.

IN this confidence they have continued through the various fortune of three bloody campaigns, unawed by the power, unsubdued by the barbarity of their foes. Their virtuous citizens have borne, without repining, the loss of many things which make life desirable. Their brave troops have patiently endured the hardships and dangers of a situation, fruitful in both beyond former example.

THE Congress, considering themselves bound  
to

to love their enemies, as children of that Being who is equally the Father of all ; and desirous, since they could not prevent, at least to alleviate, the calamities of war, have studied to spare those who were in arms against them, and to lighten the chains of captivity.

THE conduct of those serving under the King of Great-Britain hath, with some few exceptions, been diametrically opposite. They have laid waste the open country, burned the defenceless villages, and butchered the citizens of America. Their prisons have been the slaughter-houses of her soldiers, their ships of her seamen, and the severest injuries have been aggravated by the grossest insult.

FOILED in their vain attempt to subjugate the unconquerable spirit of freedom, they have meanly assailed the representatives of America with bribes, with deceit, and the servility of adulation. They have made a mock of humanity, by the wanton destruction of men : they have made a mock of religion, by impious appeals to God whilst in the violation of his sacred commands : they have made a mock even of reason itself, by endeavouring to prove, that the liberty and happiness of America could safely be entrusted to those who have sold their own, unawed by the sense of virtue or of shame.

TREATED with the contempt which such conduct

duct deserved, they have applied to individuals ; they have solicited them to break the bonds of allegiance, and imbrue their souls with the blackest of crimes ; but, fearing that none could be found through these United States equal to the wickedness of their purpose, to influence weak minds, they have threatened more wide devastation.

WHILE the shadow of hope remained, that our enemies could be taught by our example to respect those laws which are held sacred among civilized nations, and to comply with the dictates of a religion which they pretend in common with us to believe and to revere, they have been left to the influence of that religion and that example. But since their incorrigible dispositions cannot be touched by kindness and compassion, it becomes our duty by other means to vindicate the rights of humanity.

WE, therefore, the Congress of the United States of America, do solemnly declare and proclaim, that if our enemies presume to execute their threats, or persist in their present career of barbarity, we will take such exemplary vengeance as shall deter others from a like conduct. We appeal to that GOD who searcheth the hearts of men, for the rectitude of our intentions ; and in His holy presence we declare, that as we are not moved by any light and hasty suggestions of anger and revenge, so through every possible change of



of fortune we will adhere to this our determination.

Done in Congress, by unanimous consent, the thirtieth day of October, one thousand seven hundred and seventy-eight.

HENRY LAURENS, president.

Attest, CHARLES THOMSON, secretary.

## N O T E XXIX. PAGE 188.

*Articles of confederation and perpetual union between the states of New-Hampshire, Massachusetts-Bay, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia.*

ARTICLE I. **T**HE style of this confederacy shall be 'The United States of America.

ARTICLE II. Each state retains its sovereignty, freedom and independence, and every power, jurisdiction and right which is not by this confederation expressly delegated to the United States in Congress assembled.

ARTICLE III. The said states hereby severally enter into a firm league of friendship with each other,  
for

for their common defence, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other, against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

ARTICLE IV. The better to secure and perpetuate mutual friendship and intercourse among the people of the different states in this union, the free inhabitants of each of these states, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several states; and the people of each state shall have free ingress and regress to and from any other state, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions and restrictions as the inhabitants thereof respectively, provided that such restrictions shall not extend so far as to prevent the removal of property imported into any state, to any other state of which the owner is an inhabitant; provided also, that no imposition, duties or restriction, shall be laid by any state on the property of the United States, or either of them.

If any person guilty of, or charged with, treason, felony, or other high misdemeanor in any state, shall flee from justice, and be found in any of the United States, he shall, upon demand of the governor, or executive power of the state  
from

from which he fled, be delivered up and removed to the state having jurisdiction of his offence.

FULL faith and credit shall be given in each of these states to the records, acts, and judicial proceedings of the courts and magistrates of every other state.

ARTICLE V. For the more convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the legislature of each state shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each state, to recall its delegates, or any of them, at any time within the year, and to send others in their stead, for the remainder of the year.

No state shall be represented in Congress by less than two, nor more than seven members; and no person shall be capable of being a delegate for more than three years, in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the United States, for which he, or any other for his benefit, receives any salary, fees, or emolument of any kind.

EACH state shall maintain its own delegates in a meeting of the states, and while they act as members of the committee of the states.

IN determining questions in the United States in Congress assembled, each state shall have one vote.

FREEDOM of speech and debate in Congress shall not be impeached or questioned in any court, or place out of Congress, and the members of Congress shall be protected in their persons from arrests and imprisonments, during the time of their going to and from, and attendance on Congress, except for treason, felony, or breach of the peace.

ARTICLE VI. No state, without the consent of the United States in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance, or treaty with any king, prince or state; nor shall any person, holding any office of profit or trust under the United States, or any of them, accept of any present, emolument, office, or title of any kind whatever from any king, prince or foreign state; nor shall the United States in Congress assembled, or any of them, grant any title of nobility.

No two or more states shall enter into any treaty, confederation, or alliance whatever between them, without the consent of the United States in Congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

No

No state shall lay any imposts or duties, which may interfere with any stipulations in treaties, entered into by the United States in Congress assembled, with any king, prince or state, in pursuance of any treaties already proposed by Congress, to the courts of France and Spain.

No vessels of war shall be kept up in time of peace by any state, except such number only as shall be deemed necessary by the United States in Congress assembled, for the defence of such state, or its trade; nor shall any body of forces be kept up by any state in time of peace, except such number only, as in the judgment of the United States in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of such state; but every state shall always keep up a well-regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and constantly have ready for use, in publick stores, a due number of field-pieces and tents, and a proper quantity of arms, ammunition, and camp equipage.

No state shall engage in any war without the consent of the United States in Congress assembled, unless such state be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such state, and the danger is so imminent as not to admit of a delay, till the United States in Congress assembled can be con-



sulted : nor shall any state grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the United States in Congress assembled, and then only against the kingdom or state and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the United States in Congress assembled, unless such state be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States in Congress assembled shall determine otherwise.

ARTICLE VII. When land-forces are raised by any state for the common defence, all officers of, or under the rank of colonel, shall be appointed by the legislature of each state respectively, by whom such forces shall be raised, or in such manner as such state shall direct, and all vacancies shall be filled up by the state which first made the appointment.

ARTICLE VIII. All charges of war, and all other expences that shall be incurred for the common defence or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states, in proportion to the value of all land within each state, granted to or surveyed for any person, as such land and the buildings and improvements thereon shall

shall be estimated, according to such mode as the United States in Congress assembled shall from time to time direct and appoint. The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several states within the time agreed upon by the United States in Congress assembled.

ARTICLE IX. The United States in Congress assembled shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth Article; of sending and receiving ambassadors; entering into treaties and alliances, provided that no treaty of commerce shall be made, whereby the legislative power of the respective states shall be restrained from imposing such imposts and duties on foreigners, as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever; of establishing rules for deciding in all cases, what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated; of granting letters of marque and reprisal in times of peace; appointing courts for the trial of piracies and felonies committed on the high seas, and establishing courts for receiving and determining finally appeals in all cases of captures, provided that no member of Congress shall be appointed a judge of any of the said courts.

THE United States in Congress assembled shall also be the last resort on appeal in all disputes and differences now subsisting, or that hereafter may arise between two or more states concerning boundary, jurisdiction, or any other cause whatever ; which authority shall always be exercised in the manner following : whenever the legislative or executive authority or lawful agent of any state in controversy with another, shall present a petition to Congress, stating the matter in question, and praying for a hearing, notice thereof shall be given by order of Congress to the legislative or executive authority of the other state in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question ; but if they cannot agree, Congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen ; and from that number not less than seven, nor more than nine names, as Congress shall direct, shall, in the presence of Congress, be drawn out by lot ; and the persons whose names shall be so drawn, or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges, who shall hear the cause, shall agree

agree in the determination: and if either party shall neglect to attend at the day appointed, without shewing reasons which Congress shall judge sufficient, or being present shall refuse to strike, the Congress shall proceed to nominate three persons out of each state, and the secretary of Congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court to be appointed, in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall, nevertheless, proceed to pronounce sentence, or judgment, which shall, in like manner, be final and decisive; the judgment or sentence, and other proceedings, being in either case transmitted to Congress, and lodged among the acts of Congress, for the security of the parties concerned: provided, that every commissioner, before he sits in judgment, shall take an oath, to be administered by one of the judges of the supreme or superior court of the state, where the cause shall be tried, 'well and truly to hear and determine the matter in question, according to the best of his judgment, without favour, affection, or hope of reward:' provided also, that no state shall be deprived of territory, for the benefit of the United States.

ALL controversies concerning the private right of soil claimed under different grants of two or  
more

more states, whose jurisdictions as they may respect such lands, and the states which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall, on the petition of either party to the Congress of the United States, be finally determined, as near as may be, in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different states.

THE United States in Congress assembled shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective states; fixing the standard of weights and measures throughout the United States; regulating the trade, and managing all affairs with the Indians, not members of any of the states, provided that the legislative right of any state within its own limits be not infringed or violated; establishing and regulating post-offices from one state to another, throughout all the United States, and exacting such postage on the papers passing through the same, as may be requisite to defray the expences of the said office; appointing all officers of the land-forces, in the service of the United States, excepting regimental officers; appointing all the officers of the naval-forces, and commissioning all officers whatever in the service of the United States; making rules for the go-  
vernment



vernment and regulation of the said land and naval-forces, and directing their operations.

THE United States in Congress assembled shall have authority to appoint a committee, to sit in the recess of Congress, to be denominated ‘ A ‘ Committee of the States,’ and to consist of one delegate from each state; and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States under their direction; to appoint one of their number to preside, provided that no person be allowed to serve in the office of president more than one year in any term of three years; to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the publick expences; to borrow money or emit bills on the credit of the United States, transmitting every half year to the respective states, an account of the sums of money so borrowed or emitted; to build and equip a navy; to agree upon the number of land-forces, and to make requisitions from each state for its quota, in proportion to the number of white inhabitants in such state, which requisition shall be binding, and thereupon the legislature of each state shall appoint the regimental officers, raise the men, and clothe, arm, and equip them in a soldier-like manner, at the expence of the United States, and the officers and men so clothed, armed and equipped, shall march to the place appointed, and within the  
time

time agreed on by the United States in Congress assembled ; but if the United States in Congress assembled shall, on consideration of circumstances, judge proper that any state should not raise men, or should raise a smaller number than its quota, and that any other state should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, clothed, armed, and equipped in the same manner as the quota of such state, unless the legislature of such state shall judge that such extra number cannot be safely spared out of the same, in which case they shall raise, officer, clothe, arm and equip, as many of such extra number as they judge can be safely spared. And the officers and men so clothed, armed and equipped, shall march to the place appointed, and within the time agreed on by the United States in Congress assembled.

THE United States in Congress assembled shall never engage in a war, nor grant letters of marque and reprisal, in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expences necessary for the defence and welfare of the United States, or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war, to be built or purchased, or the number of land or sea-forces to be raised, nor appoint a commander in chief of the army or navy, unless nine states assent

assent to the same : nor shall a question on any other point, except for adjourning from day to day, be determined, unless by the votes of a majority of the United States in Congress assembled.

THE Congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration than the space of six months, and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances or military operations, as in their judgment require secrecy ; and the yeas and nays of the delegates of each state on any question shall be entered on the journal, when it is desired by any delegate ; and the delegates of a state, or any of them, at his or their request, shall be furnished with a transcript of the said journal, except such parts as are above excepted, to lay before the legislatures of the several states.

ARTICLE X. The committee of the states, or any nine of them, shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the United States in Congress assembled, by the consent of nine states, shall from time to time think expedient to vest them with ; provided that no power be delegated to the said committee, for the exercise of which, by the articles of confederation, the voice of

nine states, in the Congress of the United States assembled, is requisite.

ARTICLE XI. Canada acceding to this confederation, and joining in the measures of the United States, shall be admitted into, and entitled to all the advantages of this union; but no other colony shall be admitted into the same, unless such admission be agreed to by nine states.

ARTICLE XII. All bills of credit emitted, monies borrowed, and debts contracted by or under the authority of Congress, before the assembling of the United States, in pursuance of the present confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof the said United States, and the publick faith, are hereby solemnly pledged.

ARTICLE XIII. Every state shall abide by the determinations of the United States in Congress assembled, on all questions which by this confederation are submitted to them. And the articles of this confederation shall be inviolably observed by every state, and the union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a congress of the United States, and be afterwards confirmed by the legislatures of every state.

AND whereas it hath pleased the Great Governor of the world to incline the hearts of the legislatures we respectively represent in Congress, to approve of, and to authorize us to ratify the said articles of confederation and perpetual union: KNOW YE, that we, the undersigned delegates, by virtue of the power and authority to us given for that purpose, do, by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said articles of confederation and perpetual union, and all and singular the matters and things therein contained. And we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the United States in Congress assembled, on all questions which by the said confederation are submitted to them; and that the articles thereof shall be inviolably observed by the states we respectively represent; and that the union shall be perpetual. IN WITNESS whereof, we have hereunto set our hands in Congress.

Done at Philadelphia, in the state of Pennsylvania, the ninth day of July, in the year of our LORD, 1778, and in the third year of the independence of America.

THE aforesaid articles of confederation were finally



nally ratified on the first day of March 1781; the state of Maryland having, by their members in Congress, on that day, acceded thereto, and completed the same.

NEW-HAMPSHIRE,	{ Jofiah Bartlett, John Wentworth, jun.
MASSACHUSETTS-BAY,	{ John Hancock, Samuel Adams, Elbridge Gerry, Francis Dana, James Lovell, Samuel Holten.
RHODE-ISLAND, &c.	{ William Ellery, Henry Merchant, John Collins.
CONNECTICUT,	{ Roger Sherman, Samuel Huntington, Oliver Wolcott, Titus Hofmer, Andrew Adams.
NEW-YORK,	{ James Duane, Francis Lewis, William Duer, Gouverneur Morris.
NEW-JERSEY,	{ John Witherspoon, Nathaniel Scudder.
PENNSYLVANIA,	{ Robert Morris, Daniel Roberdeau, Jonathan-B. Smith, William Clingan, Joseph Reed.

DELAWARE,	{ Thomas M'Kean, John Dickinson, Nicholas Vandyke.
MARYLAND,	{ John Hanson, Daniel Carroll.
VIRGINIA,	{ Richard-Henry Lee, John Banister, Thomas Adams, John Harvey, Francis-Lightfoot Lee.
NORTH-CAROLINA,	{ John Penn, Cornelius Harnett, John Williams.
SOUTH-CAROLINA,	{ Henry Laurens, William-H. Drayton, John Mathews, Richard Hutson, Thomas Heyward, jun.
GEORGIA,	{ John Walton, Edward Telfair, Edward Langworthy.

END OF THE FIRST VOLUME.















